

APPEARANCES:

Norman Schroth, Assistant Prosecuting Attorney,

and

Brandon Piteo, Assistant Prosecuting Attorney,

on behalf of the State of Ohio.

Brian Hoffman, Assistant Public Defender,

on behalf of the child, Dalonte White.

John H. Lawson, Esq.,

Guardian ad Litem for the child, Dalonte White.

- - -

ALSO PRESENT:

Cameron Quarles, Stepfather

Alexandria Chandler, Mother

Keri Bryant, Probation Officer

David Lam, Detective

Audrey Del Valle, Public Defender

Maureen Dickson, Law Clerk with the Public Defender

- - -

I N D E X**WITNESSES****STATE'S:****Page****SAVANNAH LAFORCE**

Direct Examination by Mr. Schroth.....	29
Cross-examination by Mr. Hoffman.....	70
Redirect Examination by Mr. Schroth.....	94
Recross-examination by Mr. Hoffman.....	102

COLLEEN ALLUMS

Direct Examination by Mr. Schroth.....	109
Cross-examination by Mr. Hoffman.....	138
Redirect Examination by Mr. Schroth.....	149

ZACKARY HALE

Direct Examination by Mr. Schroth.....	154
Cross-examination by Mr. Hoffman.....	190

- - -

OBJECTIONS**Page**

Mr. Hoffman.....	96
------------------	----

- - -

EXHIBITS:**STATE'S****Page**

1 - Picture.....	34
2 - Picture.....	41
3 - Picture.....	36
4 - Picture.....	42
68 - Medical Records of Edward Bunch.....	7
76 - Photo array.....	180
79 - Photo array.....	180
82 - Photo array.....	180
85 - Photo array.....	186
88 - Photo array.....	186
91 - Photo array.....	63
94 - Photo array.....	63
97 - Photo array.....	63
100 - Photo array.....	67
103 - Photo array.....	67
106 - Photo array.....	128
109 - Photo array.....	128
112 - Photo array.....	128
115 - Photo array.....	133
118 - Photo array.....	133
120 - Video surveillance.....	7
121 - DNA Report.....	8

PROCEEDINGS

JUDGE DENISE N. RINI: We are here in the matter of Dalonte White. We are set for a probable cause hearing.

There's a notice of mandatory bindover that was filed by the Prosecution's Office on May 1st, 2015, as well as a motion for an order to relinquish jurisdiction for the purpose of criminal prosecution pursuant to RC 2152.10(B) and for preliminary hearing on Case No. DL 15105751. It is an 18-count complaint.

So beginning with Dalonte, can you say your name for the record please?

MR. WHITE: Dalonte White.

THE COURT: Attorney, please say your name for the record.

MR. HOFFMAN: Brian Hoffman, attorney for the Public Defender.

MR. PITEO: Brandon Piteo, Assistant Prosecuting Attorney for the State.

MR. SCHROTH: Norm Schroth, representing the State of Ohio.

MR. LAM: Detective Lam, Badge 837, with the Cleveland Police Department.

THE COURT: Thank you.

1 MS. BRYANT: Keri Bryant, Probation.

2 THE COURT: All right. Let's start
3 over here with Attorney Del Valle.

4 MS. DEL VALLE: Audrey Del Valle,
5 Public Defender.

6 MS. DICKSON: Maureen Dickson, Law
7 Clerk with the Public Defender's Office.

8 MR. QUARLES: Cameron Quarles,
9 stepfather.

10 MS. CHANDLER: My name is Alexandria
11 Chandler, mother.

12 THE COURT: Attorney Lawson?

13 MR. LAWSON: John Lawson, the recently
14 appointed Guardian ad Litem.

15 THE COURT: All right. And who do we
16 have in the back? Young men stand up and say
17 your name please.

18 MR. JACKSON: Deon.

19 THE COURT: Your whole name, Deon?

20 MR. JACKSON: Oh. Deon Jackson.

21 THE COURT: Thank you.

22 MR. BANKS: James Banks.

23 MR. HAYES: Trayvion Hayes.

24 MR. SHIP: Ja'niya Ship.

25 THE COURT: All right. Let the record

1 reflect, that the four gentlemen that just
2 introduced themselves are from the Distinguished
3 Gentleman of The Spoken Word. They are here as
4 an intern. I'm going to go with internship.

5 All right. Let also the record
6 reflect that we've appointed Attorney John
7 Lawson to serve as Guardian ad Litem for Dalonte
8 White since it's been brought to the Court's
9 attention that the mother, Alexandria Chandler
10 and the stepfather -- I'm sorry. What was your
11 name, sir?

12 MR. QUARLES: Cameron Quarles.

13 THE COURT: -- may be testifying and
14 the State has asked for a separation of
15 witnesses.

16 So preliminary matters, Prosecution,
17 Mr. Schroth.

18 MR. SCHROTH: Thanks, Judge. May it
19 please the Court. There are some stipulations
20 between the parties in this matter. It's the
21 State's understanding that there will be a
22 stipulation to the following Exhibits; State's
23 Exhibit 68, those are the medical records of
24 Edward Bunch. State's Exhibit 120, that is a
25 video surveillance that is taken from 3263 West

1 54th Street, it's the outside of a residence.
2 Part and parcel of that stipulation, Judge, is
3 that the time is actually incorrect on that
4 video. And so there will be a stipulation -- I
5 don't have the Exhibit numbers yet for these
6 two, the 911 calls that came in and they are
7 essentially the timeline for us, which is about
8 6:00 p.m. 6:01 p.m. I think is the first call.
9 The video, the parts that we're going to be
10 looking at, I believe it has a timestamp of
11 around 6:40 p.m., that's just incorrect.

12 In addition there will be a
13 stipulation to State's 121, that's a DNA report
14 dated June 8th, 2015. State's 122, that's a DNA
15 report dated July 1st, 2015 and State's 123,
16 those are the medical records of victim, Colleen
17 Allums, A-l-l-u-m-s.

18 And, again, I'll have a number for the
19 actual 911 calls, Judge. I don't have those
20 numbers at this point in time. It's also the
21 State's understanding that there will be a
22 stipulation as to the age of Mr. White. That
23 his date of birth is [REDACTED], 1998.

24 THE COURT: Are there two sets of
25 medical records?

1 MR. SCHROTH: Yes, Judge. State's 68
2 is the medical record for Edward Bunch and
3 State's 123 is the medical record for Colleen
4 Allums.

5 THE COURT: And who is Colleen -- what
6 is her name? Colleen what?

7 MR. SCHROTH: Allums. I'm probably
8 mispronouncing it, but it's A-l-l-u-m-s. She's
9 the person who was residing at 3255 West 54th
10 where the home invasion occurred. She's a
11 victim.

12 THE COURT: All right. Anything on
13 the Defense side?

14 MR. HOFFMAN: Your Honor, those are
15 all correct stipulations as outlined by the
16 State.

17 The only other thing that I had
18 written down was that we would stipulate to
19 being able to use Google Maps during the trial
20 as far as evidence would show. I know the State
21 has a couple of Exhibit's for that being made,
22 they'll either use the exhibits or the map
23 itself on the board.

24 THE COURT: And Google Maps are going
25 to be marked as exhibits or you're just

1 stipulating that they're representative or
2 authentic, accurate?

3 MR. HOFFMAN: I believe they'll be
4 demonstrative evidence.

5 MR. SCHROTH: Yeah. There are some
6 exhibits that are labeled that are Google Maps,
7 come from Google Maps, which is generally -- I
8 think Mr. Hoffman is going to be doing some free
9 styling during the trial with Google and we will
10 stipulate that the Google satellite images are
11 authentic. They purport what they are supposed
12 to purport based on the date. There's a date in
13 the lower right hand corner of all the Google
14 maps and as of that time they were accurate from
15 when it was taken.

16 THE COURT: Okay. All right. So if
17 there's nothing further -- mother and
18 stepfather, I will allow you to remain in the
19 courtroom during opening statements and then the
20 defense attorney will let you know when it's
21 time to step out. But I wanted you to be as
22 much a part of the proceeding as I could.

23 All right. Opening statement.

24 MR. SCHROTH: Thanks, Judge. May it
25 please the Court and counsel. Judge, I know

1 that this Court has done more than it's fair
2 share of transfer proceedings in its tenure
3 here. But I think it is important the State is
4 asking the Court, as always, as I know this
5 Court is, be mindful of the law that keeps these
6 sorts of hearings afloat. This seminal case,
7 "seminal case" is State versus Iacona,
8 I-a-c-o-n-a, 2001 Ohio 1292. That sets the
9 standard.

10 And I'm going to be referencing,
11 Judge, briefly a case that's out of the 10th
12 District, In Re: AJS and that's 2007 Ohio 3216.
13 And, you know, these cases succinctly, and they
14 do a good job in giving the Courts guidance in
15 terms of what we're here for.

16 I know the Court is aware that the
17 standard here is that the State need only
18 provide some credible evidence as to each and
19 every element of the offenses in the complaint.
20 That's more than a mere suspicion, but it is
21 less than a prima facie showing. So Judge, this
22 is not beyond a reasonable doubt standard. I
23 know this Court's aware of that. I'm certainly
24 not trying to say the Court is not, but it does
25 leave room for doubt in these hearings. I'm not

1 saying the State will bring doubt to the table,
2 but I just want the Court to be mindful of the
3 standard here.

4 In addition in that In Re: AJS, you
5 know, as that Court was following Iacona it
6 said, partially quoting Iacona and partially
7 quoting on its own. The State's evidence must
8 be credible but need not be unassailable.
9 Determination of the merits of the competing
10 prosecution and defense theories, both of which
11 are credible ultimately is a matter for the fact
12 finder at trial.

13 Certainly, the Court here is only a
14 gate keeper determining whether there is some
15 credible evidence that Mr. White committed these
16 crimes that are alleged in this complaint here
17 today.

18 So what happened, Judge? What are we
19 alleging? The State is alleging that on
20 April 21st of 2015 at around 6:00 p.m., Colleen
21 Allums was brutally assaulted in her home. This
22 happened in broad daylight. This is one of the
23 most terrifying crimes I think for any person to
24 have to experience and it happened to her.

25 She was in her home, in her living

1 room at that time relaxing. A friend of hers,
2 of the family named Savannah LaForce,
3 S-a-v-a-n-n-a-h, L-a-f-o-r-c-e, she came over.
4 She is a teenager. She came over to visit
5 Colleen Allums. So she is then seated in this
6 living room area with Colleen. Unsuspecting.

7 In front of the house there is sort of
8 a basketball hoop up, like a transportable
9 basketball hoop, and there's some young
10 individuals playing basketball, one of which at
11 one point in time is Zackary Hale, H-a-l-e.
12 Zackary, shortly after getting to the location
13 to play basketball, decides to go inside to
14 Colleen's home.

15 When he does that, as he enters
16 Colleen's home he hears a noise and then
17 realized that someone has opened the door behind
18 him and then followed him in and then there are
19 three males that he is not familiar with. They
20 follow him into the living room where at which
21 point Mr. White brandishes a firearm. They
22 began to -- he began to attempt to rob the home.

23 This leads off to a violent assault on
24 Colleen. She's pistol whipped in the head,
25 she's ultimately shot in the shoulder. As for

1 some unexplainable reason Mr. White begins his
2 assault on Colleen. She has these dogs that are
3 pit bulls that are kept up at that point in
4 time. Sensing the need of their owner, they
5 break free and race out into that room. One of
6 the dogs proceeds to assault the gunman,
7 Mr. White. When that happens Mr. White began to
8 open fire at that dog. The two people he came
9 with, they were sort of in the doorway, they
10 leave. When they take off, the two teenagers
11 Zackary and Savannah are able to leave shortly
12 after. Ultimately, you know, these gunshots end
13 up killing the dog and then Mr. White leaves
14 afterwards.

15 You'll see on that video, you'll see
16 sort of the two individuals running from that
17 house and they kind of run up in a northwesterly
18 direction and then the person, Mr. White, leaves
19 heading southbound on West 54th, and you're
20 going to see the person walking has a limp to
21 the right leg. They're not bleeding, but
22 they're limping and you can see them concealing
23 something that would appear to be a firearm in
24 their jacket as they leave the scene.

25 Colleen at that point in time is able

1 to drag herself. She's bleeding profusely from
2 these injuries that she sustained, but she's
3 able to pull herself onto the porch where a
4 passerby calls 911 and some other calls come in
5 and people are able to come and tend to her aid
6 and then she's taken to the hospital due to the
7 severity of her injuries. And you'll see that
8 in the police report.

9 I don't think there's any doubt here
10 or any question between the parties that an
11 awful crime occurred. It becomes who committed
12 the crime. The police arrive and while they're
13 on scene, they began looking for video footage
14 and things like that. The detectives get a tip
15 as to two possible suspects, Dalonte White and
16 another individual.

17 They create photo arrays and on
18 April 23rd, so we're talking two days after the
19 crime, they show the arrays to Zackary and to
20 Savannah separately. And they have three
21 different suspects, they do three different
22 arrays, and at that time both Savannah and
23 Zackary identify only Dalonte White in those
24 arrays. They don't identify anyone else in the
25 other two arrays.

1 The next day on the 24th, the
2 Cleveland Police Department goes to the hospital
3 and they show an array to Colleen, similar
4 arrays, and during that process she too makes
5 identification on Dalonte and not on any of the
6 other two arrays.

7 The police don't stop their
8 investigation there. They end up on April 28th,
9 talking to some associate of Dalonte. Then on
10 May 1st, the investigation, you know, the police
11 always are mindful of getting it right, get a
12 tip from an officer that has arrested Edward
13 Bunch. And that officer says, hey look, you
14 know, I just arrested a guy who was injured in
15 his ankle, he has a gunshot wound to his ankle
16 from the same day as this home invasion that
17 you're investigating. So Detective Lam, you
18 know, wants to do the right thing so he then
19 creates photo arrays to be shown to the victims
20 again. Those arrays are shown on -- I think
21 it's on 5/13, Judge, those arrays were shown.

22 And you're going to hear the witnesses
23 tell you what happened. Savannah makes no
24 identifications, Zackary makes I believe two
25 identifications and then Colleen initially per

1 the arrays does not make an identification, but
2 as the Court is aware when I met with her -- and
3 I expect her to testify to this. I'm indicating
4 what the testimony will be and not my
5 substantive conversations, that, you know, she
6 had wanted to make an identification on this
7 individual, Edward Bunch and did not make, was
8 told not to make an identification because
9 during that conversation she said, hey look,
10 this person is the one that had the gun, I've
11 already identified him and I got paperwork and I
12 know his case is open. So the officer tells her
13 then you need not make an identification, but I
14 anticipate she will make that identification in
15 Court today.

16 So at that point, Judge, the police
17 then have three photo arrays indicating Dalonte
18 White, they have one array -- two arrays with
19 Edward Bunch. Judge, you're going to see
20 photographs, these two individuals look, they
21 look strikingly similar when you view them.
22 There are some build differences between the
23 two. Mr. Bunch is six feet and stocky and I
24 believe Mr. White is about five-eight. But
25 you're going to hear from Edward Bunch, you

1 know, he on July 2nd, the police mindful of the
2 investigation went and spoke to him to see what
3 he had to say regarding this. And he told them,
4 look, I was not involved in this. I did sustain
5 a gunshot wound but it was from a drive-by
6 shooting and I went to the hospital for
7 treatment on that gunshot wound, but I had
8 nothing to do with this robbery.

9 And when you look at the records,
10 Judge, when you're asking yourself -- you know,
11 essentially we're dealing with competing
12 theories here. There is still going to be some
13 credible evidence that Dalonte White committed
14 this crime based on those photo arrays, but
15 you're going to -- and his similarity to the
16 person in the video. But you're going to be
17 able to rule him out when you look at those
18 medical records.

19 Those records from Edward Bunch, in
20 there it says he is not ambulatory. He can't
21 walk. That's the nature of this gunshot wound.
22 The person who committed this crime you can see
23 walking with a mild limp past the house
24 southbound.

25 And by the way, Judge, that direction

1 that the person who was leaving that house
2 limping in is the same direction where Dalonte
3 White lives. He lives .6 miles from where this
4 crime occurred.

5 So, Judge, at the conclusion of this
6 the State's asking you to find that there is
7 some credible evidence that Dalonte White did
8 commit these offenses, all of these offenses,
9 the aggravated burglaries, the robberies,
10 shooting of the poor dog, and transfer him to
11 the Adult Court for further proceedings. Thank
12 you.

13 THE COURT: All right. Defense?

14 MR. HOFFMAN: Thank you, your Honor.
15 May it please the Court and counsel. Your
16 Honor, I find it interesting the State chose to
17 lead with the standard, trying to remind this
18 Court how low the standard of probable cause can
19 be and that's because they know their case
20 stinks, quite honestly. They downplayed it.
21 They have to show some credible evidence.

22 And what you have in this case is a
23 photo array, the three victims. And that photo
24 array is not credible for two very serious
25 reasons. Your Honor, when this happened this

1 was a very serious offense. Colleen Allums has
2 a fractured skull, teeth knocked out. She was
3 busted over the head pretty viciously with a
4 pistol.

5 When the offenders fled that day and
6 everyone rushed out we were left without any
7 suspects and I think that's important. No
8 suspects originally. So what does the Police
9 Department do? They take down information as to
10 what did this shooter look like. Are there any
11 leads? No leads. So what do they do? Well,
12 they ask around. Anyone know some black males
13 around the area. Officer pipes up, hey, what
14 about Shetrell Harris? What about Dalonte
15 White? And Rayvion Edwards? They're all in the
16 area, throw them in some photo arrays. And what
17 the police do is they ignore what the report was
18 originally. They lack discretion in their photo
19 arrays.

20 Your Honor, the description that comes
21 through on the very first report is that the
22 person is 6' to 6' 1", 200 to 250 pounds with
23 dreadlocks. They put Rayvion Edwards in a photo
24 array first, here's Rayvion Edwards, a photo
25 array with him. And I'm going to remind you of

1 the game Guess Who, what we used to play as
2 little kids. You kind of have the two sets of
3 boards and you have a card and then you ask the
4 other person descriptive information, is your
5 person male or female? Well, is your person a
6 female? And if they say yes, you knock all of
7 those down and you go to the next part. Okay.
8 Does your person have earrings? Yes. So you
9 pull out everyone that doesn't have earrings and
10 you kind of go through that. So you can
11 basically do this with a photo array.

12 And really with all three of them, ask
13 one question, does the person have dreads? Yes.
14 Nope, none of them. Rayvion Edwards doesn't
15 have dreads, clearly not the person. Dalonte
16 White is shown in the second photo array. Does
17 your person have dreads? Yes. Okay. Well, we
18 can eliminate him, him, him, him and him. Who
19 are we left with? Guess who? Dalonte White,
20 the only one depicted with dreadlocks. Are you
21 kidding me?

22 No police discretion in putting
23 together that photo array. Shetrell Harris,
24 same question. The third array they show after
25 they picked out Dalonte White. Does your person

1 have dreads? Yes. I don't know. They all got
2 dreads. No one is picked. That's how they come
3 up with Dalonte White as a suspect in this case.

4 Well, we've got three people
5 identifying him. Ignore everything we have up
6 here. Go pick up Dalonte White. And what do
7 they know about Dalonte? Your Honor, if I could
8 have permission for Dalonte to stand up?

9 THE COURT: Yes.

10 MR. HOFFMAN: I'm about 5' 11".
11 Dalonte ain't no 6', 6'1", 200 to 250 pounds.
12 Even their array afterwards shows he's about
13 5'5" I think it was 140 pounds. It doesn't seem
14 to fit. So what do the police at this point
15 then? Well, we've got enough. We've got an
16 array. We're going to get some search warrants,
17 we're going to go out and see him, we're going
18 to interview him.

19 And what do they do next? They go out
20 to Dalonte's house three days after this attack.
21 And during that attack the person with the gun
22 was bitten by a pit bull. Grabbed a hold of
23 him, the guy starts firing everywhere wildly.
24 Five, six shots out of a silver revolver, starts
25 shooting everywhere. So the police go out on

1 the 24th. All right, Dalonte, drag him out to
2 the street, cuff him, pulled him out there, let
3 me see your legs. They start taking photographs
4 of his legs. What do you think they find?
5 Nothing. Dog bite from a pit bull? Nothing.
6 Nothing. They take a look at his shoes, white
7 tennis shoes. Nothing. No marks. Not ripped
8 up. No marks whatsoever. So what do they do?
9 Do they arrest him? No. They let him go. No
10 evidence. Right.

11 So what do they do next? Well, struck
12 out there. Let's go back and get a search
13 warrant. So three days later, maybe four, they
14 get a search warrant and they go back to his
15 house. His mom and dad are on the porch. They
16 come up guns armed, they're ready to do the
17 search warrant. They come in, they drag Dalonte
18 and his sister out at gunpoint, put them out in
19 the street and they take over the house. Do
20 they find a gun? Nope. Do they find the
21 cellphone of Savannah LaForce or Colleen Allums
22 that were taken in the offense? Nope. Nothing.
23 They come up empty. Well, shoot. We still got
24 three people identifying him in that photo
25 array, let's arrest him. So they take him in.

1 Two days after that they are handed on
2 a silver platter Edward Bunch. Edward Bunch is
3 stopped in a motor vehicle which is stolen with
4 two other black males, one who looks a little
5 bit Hispanic, Dandre Sanders. And Detective Lam
6 comes across information that Edward Bunch has a
7 gunshot wound to his right ankle. It was an
8 accidental gunshot wound. Mmmm. How could that
9 fit? Maybe the dog biting shooting him up.

10 Edward Bunch goes to the hospital the
11 same night of the incident, they check back and
12 they get his medical records. This offense
13 happened right around 6:01 is when the first 911
14 call came in. At 6:38 Edward Bunch is at
15 Lakewood Hospital being seen for an accidental
16 gunshot wound to his ankle.

17 Of course, Edward Bunch can't say how
18 he got that gunshot wound, so instead he leads
19 them on a wild goose chase and says, well, it
20 was a drive-by shooting up off of West Boulevard
21 and I was riding my bike and I got shot. So
22 they go out, they check, there's no bike found
23 on the scene where he says he was. And
24 apparently there's no reports. No one called
25 911, no one decided to report this. And Edward

1 Bunch won't tell the police anything other than
2 I was shot.

3 So before this is revealed, myself and
4 an investigator from our office, Ms. Amanda, go
5 out and speak to Ms. Allums and Ms. Allums
6 relates in a similar conversation that Mr.
7 Schroth had with her, that she identified
8 another shooter. Wait? What? You identified
9 someone else? Yeah. Okay. Yeah, that's the
10 shooter. I know him. I know that's the guy.
11 He's the one who shot me. I've already
12 identified him. I know him. That's him. His
13 name is Dalonte White. They have given over the
14 name, the information on him. She's done her
15 own research. She is trapped in her mind that
16 this is Dalonte White, that he must have been
17 the one who shot me all from that photo array.

18 So it's interesting to hear about the
19 coverup because that's really the second part of
20 why that's not a credible photo array, is the
21 coverup and it stinks. Because I believe what
22 Mr. Schroth was telling you is, you know, the
23 police I believe are mindful of always getting
24 it right.

25 Well, here's what happened in this

1 case, Judge, and it's disgusting. Detective
2 Kubas sat down with the victim, she picked out
3 Edward Bunch in that photo array. That's my
4 shooter. And what did he do? Don't mark it.
5 You already picked the shooter, honey. Don't
6 put that. Framing the case up against Dalonte.
7 She picked the named suspect that had the
8 gunshot wound consistent with the injuries seen
9 in the video and Detective Lam notes that in his
10 report it is a consistent injury. Everything
11 pointing towards Edward Bunch. Oh, who by the
12 way is six-foot tall, 215 pounds with
13 dreadlocks. And we kind of want to sweep it
14 under the rug that Detective Kubas just kind of
15 -- well, you already did identify a shooter,
16 maybe you shouldn't pick someone. He tampered
17 with evidence, Judge. He is withholding
18 exculpatory information. He tampered with it.

19 But now it's a mess. Now, what do we
20 do? Have they talked to Detective Kubas? No,
21 they don't want to raise that up. That would
22 look bad for the Police Department. We're just
23 going to let it go. And what does that mean?
24 We're going to keep going to trial on Dalonte
25 White. We're going to keep pursuing him. We

1 can't really go after Bunch now. She picked
2 him, but we kind of told her not to do it.

3 It's disgusting. They're trying to
4 paint it up as Dalonte White. He doesn't fit.
5 He doesn't have the injury. Bunch does.
6 Timeframe fits Bunch and his report to the
7 hospital. The height, the weight, everything is
8 a match. They also do DNA. Swab the dogs
9 mouth, they take blood samples from the floor.
10 They don't bother to send the blood down. They
11 get a jacket from Dalonte's house, the one they
12 think that could be involved in all of this.
13 There's no blood found on it. None of his DNA
14 is anywhere.

15 Do they even bother to go interview
16 Edward Bunch? No. Not until July 2nd, months
17 and months after they discover all this evidence
18 against him. Do they bother even doing a search
19 warrant at Edward Bunch's place? Nope. Do they
20 even get pictures of his leg? Nope. Well, now
21 it's too late. It's in July, this was back in
22 April. It's probably all healed anyway, what's
23 the point? They didn't do their job. And then
24 they fudge their job.

25 And those are the reasons, your Honor,

1 that photo array, those photo arrays are not
2 credible. Because one, it's not fair to him.
3 He doesn't fit the suspect anyway and the array
4 they put him in only has him depicted with
5 dreadlocks. It's just unfair and it goes
6 against any sort of discretion.

7 And secondly, because the police
8 tampered with the evidence. They withheld it.
9 They covered it up. That's why these photo
10 arrays are crap. They're not worth anything and
11 Dalonte White should not be bound over in this
12 case. Thank you.

13 THE COURT: All right. Without
14 further ado, mom and step-dad -- at this point
15 you're going to call your first witness,
16 Prosecutor Schroth?

17 MR. SCHROTH: Yes. Thanks, Judge.

18 THE COURT: Can you escort mom and
19 step-dad out?

20 SAVANNAH LAFORCE, Sworn.

21 THE COURT: Good morning. I am Judge
22 Denise Rini. Welcome to my courtroom. I am
23 sorry that you are here under these
24 circumstances, but what I want you to understand
25 is if you don't know the answer to a question,

1 just say I don't know. Don't try and please
2 anyone in the room including me.

3 If you need a break or a timeout, just
4 let me know and I will call a recess. And if
5 either side says objection, just go ahead and
6 stop talking and I'll make a ruling. Okay?

7 Yes?

8 You have to speak because she's typing
9 down what you say.

10 THE WITNESS: Okay.

11 THE COURT: And this is Prosecutor
12 Schroth, have you met him? Yes?

13 THE WITNESS: Yes.

14 THE COURT: Okay. And he is going to
15 ask you questions and then the attorney will
16 follow-up. Okay?

17 THE WITNESS: Okay.

18 THE COURT: All right. Go ahead. You
19 may proceed.

20 **DIRECT EXAMINATION OF SAVANNAH LAFORCE**

21 **BY MR. SCHROTH:**

22 Q. Savannah, you're soft spoken. I need you to keep
23 your voice up. Okay. I need you to use your outside
24 voice when you're talking.

25 A. Okay.

1 Q. Okay. And if you need to you can lean into that -- I
2 know this isn't easy. I need you to lean into that
3 microphone to keep it up. Okay?

4 A. Okay.

5 Q. Do we have a deal? Is that a yes?

6 A. Yes.

7 Q. Okay. Could you please just say your name for the
8 Court?

9 A. Savannah LaForce.

10 Q. Okay. And how do you spell Savannah?

11 A. S-a-v-a-n-n-a-h.

12 Q. And how do you spell LaForce?

13 A. L-a-f-o-r-c-e.

14 Q. And how old are you?

15 A. Fifteen.

16 Q. All right. Are you in school?

17 A. Yes.

18 Q. What year in school are you?

19 A. Huh?

20 Q. What year? What grade?

21 A. Tenth.

22 Q. You're going into tenth grade?

23 A. Mm-hmm. This year.

24 Q. Okay. Do you like to do anything in school, play any
25 sports or anything or any clubs?

1 A. No.

2 Q. Okay. Now, do you know someone named Zackary Hale?

3 A. Yes.

4 Q. How do you know Zackary?

5 A. He's my cousin.

6 Q. All right. And do you know someone named Colleen
7 Allums?

8 A. Yes, she's my aunt.

9 Q. Okay. Have you ever been to Colleen's house before?

10 A. Yes.

11 Q. And what street did Colleen -- where did Colleen live
12 on April 21st of 2015?

13 A. West 54th.

14 Q. Do you remember the address?

15 A. 3255, I believe.

16 Q. All right. Do you know how long she had lived there
17 for?

18 A. (Indicating.)

19 Q. Is that a no?

20 A. No.

21 Q. I know when we're talking like normally you can just
22 shake your head or make gestures, but since this
23 young lady is taking everything down, I need you to
24 let the world know what you're saying. Okay?

25 A. Okay.

1 Q. All right. Do you remember April 21st of 2015?

2 A. Yes.

3 Q. Okay. Did you go anywhere that day?

4 A. To Colleen's.

5 Q. Colleen's?

6 A. (Indicating.)

7 Q. The West 54th address?

8 A. Yes.

9 Q. Do you remember around what time you went?

10 A. 5:30ish.

11 Q. Okay. In the morning or evening?

12 A. Evening.

13 Q. And what made you go over to Colleen's? Why'd you go
14 there?

15 A. To hang out with my cousins.

16 Q. All right. Specifically what cousins?

17 A. Her daughters.

18 Q. How old were they?

19 A. Twelve, I believe, and one's thirteen.

20 Q. Okay. So did you make it all the way to Colleen's
21 house?

22 A. Yes.

23 Q. And when you got to her house before you went in, did
24 you see anything before you went in the house?

25 A. People outside playing basketball.

1 Q. All right. How was it they were playing basketball?

2 A. They were playing basketball.

3 Q. Okay. Was there like a hoop out there or what were
4 they doing?

5 A. Yeah, a hoop.

6 Q. Okay. Did you know any of the people at that time
7 that were playing basketball?

8 A. Yes.

9 Q. Who?

10 A. Her son, Alex, John and the kid across the street,
11 Roger.

12 Q. The kid across the street from Colleen or across the
13 street from where you lived?

14 A. Across the street from Colleen.

15 Q. Okay. Did you stay outside and hang out with those
16 kids at all?

17 A. No.

18 Q. What did you do?

19 A. Go inside to Colleen's house.

20 Q. All right. And what happened when you went inside?

21 A. I sat down.

22 Q. Well, where did you go inside the house?

23 A. In the living room.

24 Q. Were you by yourself in the living room?

25 A. Yes, with Colleen.

1 Q. Okay. So it's just you and Colleen at that point?

2 A. Yes.

3 Q. Does she have any pets?

4 A. Yes, dogs.

5 Q. What kind of dogs?

6 A. Pit bulls.

7 Q. How many dogs did she have on April 21st?

8 A. Three.

9 Q. And when you were in the living room with Colleen,
10 where were the dogs?

11 A. Locked up in the back room.

12 Q. What kind of room in the back room?

13 A. A bedroom -- kitchen.

14 Q. Okay. Some kind of room in the back?

15 A. Yes.

16 Q. All right. Now, if you were to see a picture of
17 Colleen's house, do you think you'd recognize it?

18 A. Yes.

19 Q. All right.

20 MR. SCHROTH: Judge, if I can approach
21 the witness?

22 THE COURT: Yes.

23 Q. (BY MR. SCHROTH) Savannah, I'm going to show you
24 what's been marked as State's Exhibit 1. Do you
25 recognize that?

1 A. Yes.

2 Q. How do you recognize it?

3 A. It's Colleen's house.

4 Q. Okay. Is that how Colleen's house looked on
5 April 21st?

6 A. Yes.

7 Q. All right. Can you kind of describe for the Court --
8 you said you were in the living room with her?

9 A. Mm-hmm.

10 Q. Can you describe for the Court how is it set up?
11 What's inside the living room?

12 A. When you walk in there's a curtain and then when you
13 walk in there's a sectional right there.

14 Q. I'm going to stop you. When you walk in there's a
15 sectional. As you walk in the room, as you're
16 entering where is the sectional compared to the
17 person walking into the room?

18 A. The sectional is right here and they walk in right
19 there.

20 Q. So is it on your right or your left?

21 A. My right.

22 Q. Okay. What else is in there besides the sectional?

23 A. A TV, a little chair.

24 Q. Okay. So there's a TV, a chair, a sectional. Is
25 there any other furniture in there at all?

1 A. A love seat.

2 Q. A love seat. And where is the love seat?

3 A. On the back wall where you walk in.

4 Q. Okay. When you were in there, were you seated or
5 were you standing?

6 A. I was seated.

7 Q. Where were you seated?

8 A. On the sectional.

9 Q. Okay. And you said Colleen was in the room with you?

10 A. Yes.

11 Q. Where was she?

12 A. On the love seat.

13 Q. All right. Now, if you were to see pictures of the
14 inside of the house, would you recognize it?

15 A. Yes.

16 Q. Okay. Backing up for a minute. You said to get into
17 the living room you walk through a curtain?

18 A. Yeah.

19 Q. Okay. So what room leads you into the living room?

20 A. The dining room.

21 Q. Okay. And if you were to walk into the house from
22 the outside, where would that door lead you to?

23 A. The dining room.

24 Q. Okay. To go outside you go through the dining room
25 and to go into the living room you go through the

1 dining room, is that right?

2 A. Yes.

3 Q. All right. I'm going to show you State's 3. Okay.

4 Savannah, I've handed you what's been marked as

5 State's Exhibit 3. Does that look familiar to you?

6 A. Yes.

7 Q. Okay. How is that familiar to you?

8 A. It's her dining room.

9 Q. Whose dining room?

10 A. Colleen's.

11 Q. Okay. Can you hold that up for the Court. All

12 right. So as we look at State's 3 is that what the

13 dining room looked like on April 21st?

14 A. Yes.

15 Q. Okay. You had mentioned there was a door that leads
16 to the outside, right?

17 A. Yes.

18 Q. Can you see it there?

19 A. Yes.

20 Q. All right. Which one's that?

21 A. This one.

22 Q. All right. So as you look at the photo it's on the
23 left, is that what you're saying?

24 A. Mm-hmm.

25 Q. So State's Exhibit 3 that you have in your hand, does

1 that look similar at all to what we see on this big
2 screen?

3 A. Yes.

4 Q. It does. You have a really soft voice. I need you
5 to speak loud. Okay.

6 A. Okay.

7 Q. Pretend like I'm hard of hearing. All right. Point
8 for me, again, where the entrance is to the outside
9 on your Exhibit.

10 A. (Indicating.)

11 Q. Okay. Am I pointing to the same spot up here on the
12 Mondopad?

13 A. Yes.

14 Q. Okay. I guess, if you walk out this door to the
15 outside what's out here?

16 A. Her porch.

17 Q. All right. And where is -- can you see the living
18 room at all in there?

19 A. A little bit.

20 Q. All right. Where is the entrance to the living room?

21 A. Huh?

22 Q. Where is the entrance to the living room?

23 A. Right here.

24 Q. Okay. Right here?

25 A. Yes.

1 Q. Am I pointing to the right spot?

2 A. Yes.

3 Q. Okay. You mentioned curtains as you go into the
4 living room. Are those the curtains you're referring
5 to?

6 A. Yes.

7 Q. So as you enter from the dining room into the living
8 room, does State's 3 show at all where you were
9 seated?

10 A. No.

11 Q. Does it show at all the furniture you were on?

12 A. You barely could see it.

13 Q. Yours is closer, take a look at that.

14 A. Yeah.

15 Q. It does?

16 A. Yeah.

17 Q. It does. Okay. What piece of furniture are you
18 referring to when you say you can kind of see where
19 you were seated?

20 A. Right here.

21 Q. If you can hold that up for Mr. Hoffman and for the
22 Court. Point to that again. This is where you're
23 pointing right here?

24 A. Mm-hmm.

25 Q. So you can kind of see some sort of furniture. You

1 said that's where you were seated?

2 A. Mm-hmm.

3 Q. I'm sorry?

4 A. Yes.

5 Q. Okay. I know nobody is used to testifying. I know.

6 All right. Now, where was Colleen seated at the
7 time?

8 A. Behind the wall right here.

9 Q. Okay. It's right here. All right. Take a look at
10 yours and point.

11 A. She was seated behind this wall.

12 Q. Keep your finger there. Behind this wall here?

13 A. Yes.

14 Q. Okay. And why? What's right behind this wall?

15 A. A love seat.

16 Q. All right. Take a look at State's 3. Can you see
17 any piece of the love seat at all in that photo?

18 A. No.

19 Q. All right. What's the love seat look like? Describe
20 it for us.

21 A. It's tan.

22 Q. Okay.

23 A. Like a khaki color.

24 Q. Okay. All right. I'm going to show you what's been
25 marked for identification purposes as State's 2. All

1 right. I'm going to show you what's been marked as
2 State's 2. Okay?

3 A. Okay.

4 Q. Take a minute and let me know if you recognize what
5 you're looking at in State's 2.

6 A. Yeah.

7 Q. You do. What do you see there?

8 A. The sectional where I was sitting.

9 Q. Okay. And is that how it looked on April 21st?

10 A. Yes.

11 Q. Okay. State's Exhibit 2 that's in front of you, does
12 that look at all like what we see on the big screen?

13 A. Yes.

14 Q. All right. Where were you seated on that sectional,
15 does that show on State's 2?

16 A. Yes (indicating).

17 Q. Hold your finger there for Mr. Hoffman and for the
18 Judge. And you're pointing to right here?

19 A. Yes.

20 Q. Okay. And where is it on State's 2, where is the
21 entranceway? Where would you walk in from if you
22 look at that photo?

23 A. Maybe like over here.

24 Q. You're pointing down here?

25 A. Yeah, like.

1 Q. Okay. So if you walk in, is this sofa -- is this on
2 your left?

3 A. Yes.

4 Q. So here is the entrance where you walk into, right
5 here?

6 A. Over a little more that way.

7 Q. Which way? Over this way, over here a little bit?

8 A. Yes.

9 Q. All right. And in the bottom right hand corner of
10 State's Exhibit 2 there's sort of like a zebra thing,
11 do you see that?

12 A. Yes.

13 Q. What's that? Do you recognize that?

14 A. That's the handle of the couch, of the love seat.

15 Q. Okay. Who was on the love seat?

16 A. Colleen.

17 Q. Colleen. Okay. I'm going to show you State's 4. I
18 just handed you what's been marked as State's Exhibit
19 4. Does that look familiar?

20 A. Yes.

21 Q. Okay. How does that look familiar to you?

22 A. Colleen's house.

23 Q. Okay. What part of the house does it look like?

24 A. The living room.

25 Q. Same room as where State's Exhibit 2 is?

1 A. Yes.

2 Q. Now, what do we see in State's Exhibit 4?

3 A. The love seat.

4 Q. Okay. Now we're looking at State's Exhibit 4. Can
5 you please hold that picture up, point to yourself
6 where it is and then show us?

7 A. (Indicating).

8 Q. So this is State's Exhibit 4, this is the love seat
9 right here?

10 A. Yes.

11 Q. Okay. And does it show where Colleen was seated?

12 A. Yes.

13 Q. Where?

14 A. Right here.

15 Q. Kind of toward the middle-type of the couch?

16 A. Yeah.

17 Q. You're pointing right here?

18 A. Yeah.

19 Q. Is that right?

20 A. Yeah.

21 Q. Okay. Where is the TV compared to -- on State's
22 Exhibit 4, where is the TV?

23 A. It's on this wall.

24 Q. So it's on this wall over here?

25 A. Yeah.

1 Q. All right. Is the living room, is this in the front
2 of the house?

3 A. Yes.

4 Q. Okay. Just so I'm clear. I want you to spread
5 State's 2, 3, and 4 out in front of you. Okay. So
6 on State's 4 you kind of see there's like a -- what's
7 this, like a zebra pillow, is that right?

8 A. Yeah.

9 Q. And in State's 3, do you see that zebra pillow at
10 all?

11 A. Yeah.

12 Q. Okay. Can you point to it?

13 A. (Indicating).

14 Q. Okay. Right here this is that zebra pillow, is that
15 right?

16 A. Yes.

17 Q. Okay. And then I'm going to direct your attention to
18 State's 2. You said this is the couch that you were
19 seated on?

20 A. Yes.

21 Q. And in the bottom it sort of looks like a tan, tan
22 and white pillow?

23 A. Yes.

24 Q. And I'm going to bring you to look at State's 3. Is
25 that pillow sort of right here?

1 A. Yes.

2 Q. Okay. All right. So back to what happened on
3 April 21st. It's you and Colleen in this front room
4 here, right?

5 A. Yes.

6 Q. Okay. So what happens at this point. Just you and
7 her. Does anyone else come in at any point?

8 A. Then a couple seconds later Zack came walking in.

9 Q. Okay. Your cousin?

10 A. Yes.

11 Q. All right. And how do you know Zack came walking in?
12 How did you know that?

13 A. Because he walked through the curtain.

14 Q. Okay. So did you see him?

15 A. Yes.

16 Q. All right. And was Zack by himself when he first
17 walked in?

18 A. No.

19 Q. All right. What do you mean he wasn't by himself?

20 A. He was with the other guys.

21 Q. What do you mean other guys? Did you recognize those
22 guys at all?

23 A. No.

24 Q. Okay. Had you ever seen them before at all?

25 A. No.

1 Q. Okay. And can you describe for us what did those
2 guys look like?

3 A. There was a Puerto Rican guy, he had baggy jogging
4 pants and he had a hoodie and he had a hat on and it
5 was like real tight in the front and he had a hoodie
6 on over his head.

7 Q. I'm going to hold you. You kind made a gesture when
8 you said a hat on, you kind of put your fingers like
9 an upside down U, is that right?

10 A. Yeah.

11 Q. What kind of hat is that? Was it like a baseball
12 hat?

13 A. Yeah.

14 Q. Oh, okay. All right. So there's a Puerto Rican guy
15 with a hat on and what did you say, a hoodie on?

16 A. Yeah, hoodie.

17 Q. Was the hoodie up or down?

18 A. Up.

19 Q. Okay. Could you see any part of his face?

20 A. Yes.

21 Q. All right. How much of his face did you see?

22 A. His face was like sunk in and he had like a beard
23 like that, his beard was starting to grow in and he
24 had a lot of acne and his checks were like sunk in.

25 Q. Okay. How many guys total did you see?

1 A. Three.

2 Q. All right. What about the next guy that you saw?

3 A. I really didn't get a look at the other guy.

4 Q. Okay. So there's a Puerto Rican, there's another
5 guy, what do you mean you didn't get a good look at
6 him?

7 A. He stayed behind the curtain.

8 Q. Okay. So that's two. You said you saw three.
9 What's the third guy? How many guys did you see walk
10 in?

11 A. Three.

12 Q. Okay. And so you said there's a Puerto Rican guy,
13 that's one of the guys, right? Is that right?

14 A. Yes.

15 Q. And then there's another guy you didn't get a look
16 at, is that right?

17 A. Yes.

18 Q. Was there another person?

19 A. Yes.

20 Q. Okay. What did that person look like?

21 A. He was black, he had dreads, he had a Hollister
22 jacket on.

23 Q. What do you mean a Hollister jacket? What's that?

24 A. It was like -- the name brand is Hollister, but it
25 was like a rain jacket and it had a collar and it was

1 dark blue.

2 Q. Dark blue. Okay. Had you ever seen him before?

3 A. No.

4 Q. Did he have anything on, a hoodie or a hat or
5 anything?

6 A. No.

7 Q. Okay. So what happens when these guys walk in?

8 A. The one guy walked in the middle of the room and then
9 everything happened so fast. He started hitting
10 Colleen and then a couple of seconds later the dog
11 walked out, the dogs got out.

12 Q. I'm going to hold you for one second. Okay. When
13 these guys walked in the room, where are you
14 positioned?

15 A. I'm on the love seat.

16 Q. Are you seated or standing?

17 A. I mean on the sectional. I was seated.

18 Q. On the sectional. Where was Zack?

19 A. Right next to me.

20 Q. How is he next to you, what's he doing?

21 A. Sitting.

22 Q. Okay. On the sectional?

23 A. Yes.

24 Q. All right. And is Colleen still in the same spot?

25 A. Yes.

1 Q. Okay. So take us through it step-by-step. All
2 right. Do any of these guys come into the living
3 room?

4 A. Yes.

5 Q. How many?

6 A. Two.

7 Q. Two. Okay. Which two come into the living room?

8 A. The Puerto Rican and the one with the dreads.

9 Q. Okay. And what happens now? They come in the living
10 room, did they say anything?

11 A. No.

12 Q. All right. Do you guys say anything?

13 A. No.

14 Q. What happens now?

15 A. He walked up to Colleen and started hitting -- well,
16 first he spun the gun around at all of us and then he
17 started hitting Colleen.

18 Q. When you say he, which guy, which one are you
19 describing?

20 A. The one with the dreads.

21 Q. Okay. The one with the dreads. And what do you mean
22 he spun the gun, what do you mean he spun the gun
23 around?

24 A. He went like that (indicating).

25 Q. Okay. Just do that one more time. So you got your

1 arm fully extended, your right. Was it his right
2 arm, do you know, if you remember? You don't
3 remember which arm it was?

4 A. It was the right arm.

5 Q. His right arm. And if you're not sure, don't feel
6 like you have to give an answer. Okay. Do you
7 remember if it was his right arm?

8 A. Yeah.

9 Q. You think it's his right arm?

10 A. Yeah.

11 Q. Okay. Do that gesture one more time. You had your
12 arm fully extended and you're bringing it across your
13 body in a sweeping motion, is that right?

14 A. Yes.

15 Q. Okay. Now, when he does that, is that the first
16 thing that he does, the person with the gun?

17 A. Yes.

18 Q. Does he say anything at that time?

19 A. No.

20 Q. All right. So what happens at this point now?
21 What's the other guy -- you said the Puerto Rican guy
22 walked in the room?

23 A. Mm-hmm.

24 Q. Is that a yes? I'm sorry.

25 A. Yes.

1 Q. All right. You're doing fine. Okay. What happens
2 at this point, no one says anything?

3 A. No.

4 Q. Okay. So now what happens?

5 A. He started hitting Colleen in her head.

6 Q. And when you say he, which guy was that?

7 A. The one with the dreads.

8 Q. All right. Started hitting Colleen in the head, is
9 that what you said?

10 A. Yes.

11 Q. How? Help us understand.

12 A. Well, pistol whipping her.

13 Q. Okay. Do you know what part of the pistol, if you
14 know?

15 A. No.

16 Q. How do you know he was using the pistol to hit her in
17 the head?

18 A. Because I seen it.

19 Q. Okay. All right. So at this point in time has
20 anyone said a single word before the guy with the
21 dreads was pistol whipping Colleen?

22 A. No.

23 Q. Okay. Now, what happens?

24 A. He just keeps hitting her and then the dogs break out
25 and then he started shooting. He said, get the dogs,

1 get the dogs and then my cousin Zack said, they don't
2 bite, they don't bite and he kept shooting at the
3 dogs.

4 Q. Well, when he's shooting at the dogs, where are the
5 dogs in the -- are the dogs in the room?

6 A. Yes.

7 Q. Where are they?

8 A. They came running in this way.

9 Q. Just for the record, you're using State's Exhibit 2.
10 Okay.

11 A. Okay. They came running in this way and the dogs
12 were right here, I was right here and Zack was right
13 there.

14 Q. I need you to hold it up just so Mr. Hoffman can see
15 that and so the Court can see that. You're on
16 State's Exhibit 2. If you can, indicate again and
17 I'll use the big screen to show what you're showing.
18 Where are the dogs?

19 A. They came running in this way (indicating).

20 Q. They came running in this way?

21 A. Yes.

22 Q. And where are they when they're being shot at?

23 A. Over here (indicating).

24 Q. You got to hold your finger there. Sort of by this
25 pillow, is that where the dogs were at?

1 A. Yes.

2 Q. You said dogs. How many dogs?

3 A. Three.

4 Q. Okay. The guy with the dreadlocks is shooting at the
5 dogs?

6 A. Yes.

7 Q. Okay. Did any of the dogs get hit at that time?

8 A. Yes.

9 Q. They do?

10 A. No, not at that time.

11 Q. Not at that time. Okay. Does Zack get hit?

12 A. No.

13 Q. How close is Zack to the dogs?

14 A. We're both pretty close to the dogs, they're right in
15 front of you.

16 Q. Okay. The dogs are in front of you two?

17 A. Yeah.

18 Q. Do you get hit at all at that time?

19 A. No.

20 Q. If you know, does Zack get hit at all at that time?

21 A. No.

22 Q. That question was worded weird. I'm asking two
23 parts. Do you know if Zack got hit at all?

24 A. No.

25 Q. You do know or you don't know if he got hit?

1 A. I don't know.

2 Q. You don't know. Oh, okay. All right. So what
3 happens now? What are the two other guys who came in
4 with the guy with the dreads doing when this starts?

5 A. Just standing around.

6 Q. All right. So what's the next thing that happens?
7 The guy with the dreads is shooting at the dogs that
8 are in front of you. Now what?

9 A. The one dog bit the guy with the dreads above his
10 feet.

11 Q. Okay.

12 A. And the guy with the dreads fell on Colleen and he
13 was still hitting Colleen with the gun and then the
14 dudes ran out.

15 Q. All right.

16 A. And me and my cousin Zack ran out.

17 Q. Okay. Now, only if you saw it, when you were in
18 there, did you see any of the dogs get shot?

19 A. No.

20 Q. All right. Did you ever see Colleen get shot?

21 A. No.

22 Q. Did you see the person with the gun shoot himself?

23 A. No.

24 Q. All right. Now, I want to talk about the person with
25 the dreads. Were you able to see that person's face?

1 A. Yes.

2 Q. All right. Explain for the Court, how was it you
3 were able to see that person's face?

4 A. Because he was standing literally right in front of
5 me.

6 Q. Okay. While you were sitting down?

7 A. Yes.

8 Q. Could you tell how tall he was?

9 A. Well, I was sitting down, so he was pretty tall.

10 Q. Okay. So he's taller than you when you're seated?

11 A. Yes.

12 Q. All right. Are you able to say how tall he was at
13 all from where you were seated?

14 A. No.

15 Q. Okay. Was the guy with the dreads -- how tall was he
16 compared to the two other guys, if you know?

17 A. I didn't see the one other guy. I only seen the
18 Puerto Rican.

19 Q. Okay. Can you tell who was taller between the Puerto
20 Rican guy and the guy with the dreads at all? Are
21 you able to say who was taller?

22 A. No.

23 Q. Okay. All right. So the person with the dreads who
24 had the gun, do you see that person in Court at all
25 today?

1 A. Yes.

2 Q. Okay. Could you please indicate where that person is
3 and what they're wearing?

4 A. He's right there wearing the orange jumper suit.

5 Q. Okay. You kind of made a head motion. Just so
6 everyone, so I understand who you're referring and
7 the Court does. You can take your time. There's no
8 hurry. All right. I need you to point to where that
9 person is located.

10 A. Sitting right there.

11 Q. Okay. What is that person wearing then?

12 A. A blue jumper suit.

13 Q. A blue jumper suit?

14 A. Yes.

15 Q. Okay. Did you say orange before too?

16 A. Yeah.

17 Q. Okay. Is there any part of him that's orange?

18 A. Yes, his undershirt.

19 MR. SCHROTH: Judge, I'd ask that the
20 record reflect that the witness has identified
21 Mr. White?

22 THE COURT: So identified.

23 Q. (BY MR. SCHROTH) All right. The dreads. I want to
24 talk about the dreads. The dreads that you saw, what
25 did they look like?

1 A. They were black thingy things.

2 Q. Okay. Well, here, the person you identified, does
3 his hair look the same or different than when the
4 crime happened?

5 A. Different.

6 Q. How is his hair different today than it was on April
7 21st?

8 A. Because it's an afro and he had dreads.

9 Q. Okay. All right. So you mentioned that you and Zack
10 ran out of the house?

11 A. Yes.

12 Q. Did I hear that right, that you ran out after the two
13 people that were with the gunman left the house?

14 A. Yes.

15 Q. Where did you go? When you run outside, what's the
16 first thing you see?

17 A. I'm outside and I'm asking what happened, what
18 happened, and I ran and I hopped a fence and I went
19 into the neighbor's house.

20 Q. Where is the neighbor compared to where Colleen's
21 house is?

22 A. Two houses down.

23 Q. All right. So you went to someone else's house?

24 A. Yes.

25 Q. Okay. Now, what happens at this point? How long do

1 you stay at that house for?

2 A. Until the cops come.

3 Q. Okay. When the cops come, what do you do?

4 A. I come outside.

5 Q. All right. What happens when you go outside?

6 A. They asked if anybody witnessed the crime and I said,
7 yeah.

8 Q. Okay. And did you tell them what you saw?

9 A. Yes.

10 Q. Okay. After you spoke with the police, what else do
11 you do at that time, anything?

12 A. Huh?

13 Q. After you talked to the police, did you stay around?

14 A. Yes, I was in the back of a cop car.

15 Q. Okay. How long were you in the back of the cop car
16 for?

17 A. I'm not for sure.

18 Q. Okay. Did you see Colleen at all after when you came
19 back?

20 A. No.

21 Q. Did you go up into the house at all after you came
22 back?

23 A. No.

24 Q. Okay. Did you go onto the porch at all when you came
25 back?

1 A. No.

2 Q. Okay. All right. So after you talked to the police
3 while you were in that cop car, do you do anything
4 else that day that relates to this?

5 A. No.

6 Q. Okay. Now, is there ever a time when you meet with
7 the police again?

8 A. Yes.

9 Q. Okay. Do you know about how much time passes before
10 you meet with the police again?

11 A. A couple hours, like an hour.

12 Q. That same day?

13 A. Yes.

14 Q. What happens then?

15 A. We was at the hospital. And my phone got snatched
16 out of my hand.

17 Q. I'm going to hold you right there. Okay. Let's go
18 back. You said your phone got snatched out of your
19 hand. When did that happen?

20 A. In the house.

21 Q. Okay. Who snatched your phone?

22 A. I believe the Puerto Rican dude.

23 Q. All right. And was this before or after the person
24 with the dreads started firing their gun?

25 A. Yes.

1 Q. Was it before or after?

2 A. Before.

3 Q. It was before. Was it before or after the dogs came
4 in?

5 A. Before.

6 Q. Okay. When that person snatched your phone, did they
7 say anything before they took your phone?

8 A. No.

9 Q. I mean, where was your phone when they snatched it?
10 How did they take it, how did he take it from you?

11 A. I had it in my hands, I was on it and they snatched
12 it.

13 Q. How long after they entered the room that they
14 snatched it?

15 A. It was like a couple seconds.

16 Q. Okay. Back to the -- was anything else taken from
17 you at that time?

18 A. No.

19 Q. Back to the hospital. So you're at the hospital?

20 A. Yes.

21 Q. And what happens in the hospital?

22 A. Colleen's mother told me about this app to find your
23 phone. So I put my number in this app and it was
24 saying that the phone was at the hospital.

25 Q. Okay.

1 A. And so we called the police.

2 Q. And what happens then?

3 A. Nothing. They said that it wasn't accurate.

4 Q. What hospital were you at?

5 A. Metro.

6 Q. Oh, okay. All right. So what happens now?

7 A. Nothing.

8 Q. Okay. Well, do you meet with the police again after
9 that at all?

10 A. No.

11 Q. You never talked to the police again on this case?

12 A. Yeah.

13 Q. Okay. When's that?

14 A. To pick Dalonte out of the lineup.

15 Q. Okay. Well, you said to pick Dalonte. Did you know
16 the person's name who had the gun beforehand?

17 A. No.

18 Q. Okay. Do you remember how much time passes from the
19 day of the crime to when you look at the photos?

20 A. No.

21 Q. Okay. Where does it happen? Where do you look at
22 these photos?

23 A. Colleen's house.

24 Q. Okay. You're at Colleen's house?

25 A. (Indicating).

1 Q. Okay. So what happens? Like how do you know to be
2 there to look at pictures?

3 A. Oh, I was at my house.

4 Q. Oh, okay. So you're at home?

5 A. Yes.

6 Q. All right. How do you know that the police want you
7 to look at pictures?

8 A. They called my mom.

9 Q. Okay. All right. So when you look at the pictures
10 where are you in the house when you look at the
11 pictures?

12 A. In the kitchen.

13 Q. Okay. Is anyone else there?

14 A. Yes.

15 Q. Who?

16 A. My mom.

17 Q. Okay. Is Zack there?

18 A. No.

19 MR. HOFFMAN: Excuse me. What was the
20 answer?

21 MR. SCHROTH: It was her mom.

22 MR. HOFFMAN: Mom.

23 MR. SCHROTH: Mom, yeah.

24 Q. (BY MR. SCHROTH) Did you say mom?

25 A. Yes.

1 Q. Okay. All right. Anyone else present?

2 A. No.

3 Q. Okay. And how many pieces of paper did they give you
4 to look at?

5 A. Two packets.

6 Q. All right. And does anyone in those two packets look
7 familiar, are you able to pick anyone out?

8 A. Yes.

9 Q. Okay. And how many people are you able to pick out?

10 A. One.

11 Q. Is it possible that they showed you three instead of
12 two pieces of paper?

13 A. Yes.

14 Q. All right. I'm going to show you State's 91, 94 and
15 97, but one at a time.

16 THE COURT: What were the numbers?

17 MR. SCHROTH: 91, 94 and 97.

18 Q. (BY MR. SCHROTH) Okay. Handing you State's 91, does
19 that look familiar?

20 A. Yes.

21 Q. How is that familiar to you?

22 A. It's the pictures the cop showed me.

23 Q. Okay. When the cop showed you those pictures, did
24 you circle anyone?

25 A. Huh?

1 Q. Did you pick anyone out?

2 A. No.

3 Q. Okay. And how come you didn't pick anyone off of
4 that?

5 A. Because nobody was present at the time it happened.

6 Q. Okay. And I want to show you State's 94, does that
7 one look familiar at all?

8 A. Yes.

9 Q. How is that familiar?

10 A. It's the lineup.

11 Q. I know I'm like right in front of you, but I need you
12 to project for me. Okay. I'm sorry. What about
13 State's 94, how is that familiar?

14 A. It's the lineup.

15 Q. What do you mean the lineup?

16 A. The person I picked out.

17 Q. Okay. Is the person you picked out in State's 94?

18 A. Yes.

19 Q. All right. Could you point in the Court? Hold it up
20 and point to it. Okay.

21 THE COURT: Let the record reflect
22 she's pointing to the top row middle, correct?

23 THE WITNESS: Yes.

24 MR. SCHROTH: Thanks, Judge.

25 Q. (BY MR. SCHROTH) Did you put any markings on that

1 piece of paper when you picked him out?

2 A. Yes.

3 Q. What did you do to it?

4 A. I circled it.

5 Q. Okay.

6 THE COURT: You can put it down now.

7 Q. (BY MR. SCHROTH) I think this is a little bit
8 darker, but does this look similar to what you have?

9 A. Yes.

10 Q. Okay. And where is the person located you picked
11 out?

12 A. In the top row, second picture.

13 Q. All right. And why did you pick that person out?
14 What made you circle that person?

15 A. Because that's the person that was at the crime.

16 Q. Okay. And how do you know that's the person that was
17 at the crime?

18 A. He just caught my eye when I looked at him.

19 Q. How long did it take you to pick him out?

20 A. A couple seconds.

21 Q. Okay. What did that person do that you picked out,
22 do during the crime?

23 A. He's the one with the gun.

24 Q. All right. You say the one with the gun. Is that
25 the person that was shooting in the house?

1 A. Yes.

2 Q. And was pistol whipping Colleen?

3 A. Yes.

4 Q. Okay. And I'm going to show you State's 97. Does
5 that look familiar?

6 A. Yes.

7 Q. How is that familiar?

8 A. It was with the lineup.

9 Q. And did you pick anyone out in 97?

10 A. No.

11 Q. Okay. This looks darker too. Why didn't you pick
12 anyone out in State's 97?

13 A. Because no one was there.

14 Q. Okay. All right. You looked at three photo arrays?

15 A. Yes.

16 Q. All right. How many people came into the house?

17 A. A cop and --

18 Q. No. How many people came in during the crime?

19 A. Three.

20 Q. Okay. Now, do you ever meet again with the police
21 after the day you look at those pictures?

22 A. Yes.

23 Q. All right. Do you remember how long goes by?

24 A. A couple -- like a week.

25 Q. Okay. Where does that happen when you meet with the

1 police again?

2 A. At the police station.

3 Q. All right. And how did that happen, how do you end
4 up going to the police station?

5 A. They call and ask for us to look at a different set
6 of lineups.

7 Q. And you say us, what do you mean? Did you go to the
8 police station?

9 A. Yes.

10 Q. Who went down?

11 A. Me and my mom.

12 Q. Okay. Was anyone else there when you went to the
13 police station?

14 A. Yeah, Zack and Colleen.

15 Q. Okay. So what happens when you, your mom, Zack and
16 Colleen are at the police station?

17 A. They pull us to look at a lineup.

18 Q. Okay. So do you look at more pictures?

19 A. Yes.

20 Q. Are you by yourself or with other people?

21 A. By myself.

22 Q. Okay. I'm going to show you what's been marked for
23 identification as State's 100 and 103. I'm going to
24 show you State's 100 first. Does that look familiar
25 at all?

1 A. Yes.

2 Q. Okay. How does that look familiar?

3 A. It's the lineup we looked at.

4 Q. You say we, what do you mean we looked at?

5 A. Me and the cop.

6 Q. Okay. And did you pick anyone out in -- what was
7 that, State's 100?

8 A. No.

9 THE COURT: Yes.

10 Q. (BY MR. SCHROTH) I think this is a little grainier
11 than the one in front of you, is that all right?

12 A. Yes.

13 Q. So what we see on the Mondopad, on the big board, is
14 that State's 100?

15 A. Yes.

16 Q. Did you make any markings or pick anyone out there?

17 A. No.

18 Q. Okay. And why not?

19 A. Because they wasn't present at the time.

20 Q. Okay. And lastly, I'm showing you State's 103. Does
21 that look familiar at all to you?

22 A. Yes.

23 Q. Okay. How is that familiar, Savannah?

24 A. It was the lineup I looked at.

25 Q. And did you pick anyone out on State's 103?

1 A. No.

2 Q. All right. Why not?

3 A. Because nobody looked familiar.

4 Q. I'm sorry?

5 A. Nobody looked familiar. Nobody was at the scene.

6 Q. The scene of the crime?

7 A. Yes.

8 Q. Okay. And did you have any other interaction with
9 the police at all?

10 A. No.

11 Q. Besides what you've already testified to?

12 A. No.

13 Q. Okay.

14 MR. SCHROTH: Can I have a moment,
15 Judge?

16 THE COURT: Yes.

17 MR. SCHROTH: Thank you. Nothing
18 further.

19 THE COURT: All right. At this
20 juncture it is 12:22. What we are going to do
21 is take a short break so that everyone can get a
22 little bit of something to eat. There's a
23 cafeteria on two. Okay.

24 You are not to speak of your
25 testimony. You are under oath and you remain

1 under oath until your testimony is completed.
2 So you cannot talk to anyone, not your aunt, not
3 Zackary, no one about your testimony and even
4 the attorneys. Do you understand?

5 THE WITNESS: Yes.

6 THE COURT: All right. We can go off
7 the record now.

8 (Recess taken.)

9 THE COURT: We are here in the matter
10 of Dalonte White, Case No. DL 15105751.

11 We are on cross-examination. Attorney
12 Hoffman, it is your witness.

13 MR. HOFFMAN: Thank you, your Honor.

14 THE COURT: Let me remind you,
15 Savannah, that you are under oath still. Do you
16 have water?

17 THE WITNESS: Yes.

18 THE COURT: Okay. Do you need
19 anything?

20 THE WITNESS: No.

21 THE COURT: All right. Go ahead.

22 MR. HOFFMAN: Thank you, your Honor.

23 **CROSS-EXAMINATION OF SAVANNAH LAFORCE**

24 **BY MR. HOFFMAN:**

25 Q. Savannah, my name is Brian Hoffman. I work with the

1 Public Defender's Office and I represent Dalonte
2 White. I'm going to ask you some follow-up
3 questions. Okay?

4 A. Okay.

5 Q. And same thing as before, you just have to answer out
6 loud and try to keep your voice up as best you can.
7 Okay?

8 A. Okay.

9 Q. All right. I think you said earlier that you had
10 jumped a fence and gone like two houses down?

11 A. Yes.

12 Q. Is that where, is it your grandmother lives?

13 A. No.

14 Q. Who lives there?

15 A. My cousins.

16 Q. Your cousins?

17 A. Yes.

18 Q. Okay. So your aunt Colleen lives about two or three
19 doors down from your cousin's house?

20 A. Yes.

21 Q. Okay. And your cousin's house, is that her mom's
22 house?

23 A. Her mother-in-law.

24 Q. Her mother-in-law. Okay. And that's where she's at
25 nowadays, right?

1 A. Yes.

2 Q. Okay. And the houses, they're kind of close together
3 so it wouldn't take you long to basically run from
4 Colleen's house to your cousin's house, right?

5 A. Right.

6 Q. Maybe ten or fifteen seconds?

7 A. Yes.

8 Q. How long do you think? About that?

9 A. Yes.

10 Q. Okay. You also mentioned, you said Zack kind of came
11 into the room?

12 A. Yes.

13 Q. And then pretty quickly after him these three guys
14 came in?

15 A. Yes.

16 Q. And you said one was Puerto Rican?

17 A. Yes.

18 Q. And you mentioned something like he had a baggy or
19 something. I couldn't understand exactly what you
20 said.

21 A. He had baggy jogging pants on.

22 Q. Baggy jogging pants?

23 A. Yes.

24 Q. Oh, okay. And were they dark you said?

25 A. They were blue.

1 Q. Blue. Okay. And so when the people came in the
2 room, we were kind of showing you on the board the
3 layout for the room and everything like that?

4 A. Yes.

5 Q. And at first you kind of come through the dining
6 room, right?

7 A. Yes.

8 Q. And then it turns and you go through the curtain and
9 you're in the living room?

10 A. Yes.

11 Q. And so as you're going that way, you would have been
12 off to the left and Colleen's off to the right?

13 A. Yes.

14 Q. So the guy that came in with dreads, he goes and kind
15 of points around and then he goes right at Colleen?

16 A. Yes.

17 Q. So he goes pretty quickly right after Colleen?

18 A. Yes.

19 Q. And after all of this was over, you talk to the
20 police that night shortly after?

21 A. Yes.

22 Q. Okay. And you recall telling them as much as you
23 could?

24 A. Yes.

25 Q. But it was pretty scary?

1 A. Yes.

2 Q. And you're still probably pretty terrified. But you
3 told the police as much information as you could,
4 right, the best you could do?

5 A. Yes.

6 Q. And you said that the guy was about 6', 6'1"?

7 A. Yeah.

8 Q. And 200 to 250 pounds?

9 A. No.

10 Q. Isn't that what you told the police?

11 A. I don't remember.

12 Q. Okay. But the police were taking down notes of what
13 you were saying and everything?

14 A. Yes.

15 Q. Okay. So they were documenting everything that was
16 going on, but you were pretty freaked out at that
17 point, is that right?

18 A. Yes.

19 Q. Okay. So you said -- how long of a look did you get
20 on him? Was it real quick just while he was turning
21 the gun, is that when you saw his face?

22 A. I seen it plenty of times.

23 Q. Plenty of times. Did he keep looking back or how did
24 it happen?

25 A. I looked at him when he was hitting Colleen.

1 Q. All right. Did you notice like -- you said he had
2 some dreadlocks hanging down?

3 A. Yes.

4 Q. Were they like in front of his face at all or were
5 they like flopping around when he was turning his
6 head?

7 A. They were just hanging.

8 Q. They were hanging down?

9 A. Yes.

10 Q. Do you know, did he have like a bandanna or anything
11 else on his head at all?

12 A. No.

13 Q. He didn't have a hat or anything like that?

14 A. No.

15 Q. Okay. So all you could see basically were the
16 dreadlocks hanging down?

17 A. Yes.

18 Q. And were they kind of flopping up and down or
19 anything like that?

20 A. I didn't pay attention.

21 Q. Okay. Did the guy have anything like hanging from
22 the bottoms of them or anything, like little beads or
23 barrettes or anything like that or was it just plain
24 dreadlocks?

25 A. Plain dreadlocks.

1 Q. Okay. And then you said the other guy you thought he
2 was Puerto Rican, but his face was covered up with a
3 hat and a hoodie?

4 A. Yeah.

5 Q. So all you could see was kind of this part?

6 A. Yeah.

7 Q. And he had like a thin -- like he hadn't shaved right
8 away?

9 A. Yeah.

10 Q. Okay. Mustache too?

11 A. Mm-hmm.

12 Q. So the guy with the dreadlocks, he comes in the room,
13 he turns and he just starts going after Colleen
14 pretty quickly?

15 A. Yes.

16 Q. Is that when the dogs came out to help Colleen?

17 A. Yeah.

18 Q. Okay. Was Colleen screaming or anything like that?

19 A. Yes.

20 Q. How about you, were you screaming or anything or were
21 you just kind of afraid and not moving?

22 A. Yes, I was calm and kept quiet.

23 Q. And later when you talked to the police and they were
24 recording you at the hospital, you said you kind of
25 tried to keep your head down?

1 A. Yes.

2 Q. You just kind of wanted to huddle up and stay safe?

3 A. Yes.

4 Q. And is that when the guy came over and snatched your
5 phone?

6 A. They snatched my phone and I just went like that
7 (indicating).

8 Q. Okay. Did you try to stay covered up?

9 A. I would look and then I would cover up.

10 Q. Okay. So you were kind of like peeking up a little
11 bit every once in a while. So if you imagine the
12 room being this way, the guy comes in with the
13 dreadlocks and he turns towards Colleen and he starts
14 hitting her here on the couch, right?

15 A. Yes.

16 Q. And then the dogs come in behind him?

17 A. Yes.

18 Q. And they start biting his leg, right?

19 A. Yes.

20 Q. Pretty hard, I think you said before, correct?

21 A. Yes.

22 Q. And it was Sandy, right?

23 A. Missy.

24 Q. Missy was the dog?

25 A. Yes.

1 Q. So Missy got ahold of his leg. And is that when the
2 guy started shooting then?

3 A. He started shooting when they first came into the
4 room.

5 Q. Okay. And when he started shooting did he just start
6 shooting all over the place?

7 A. No. Just aiming at the dogs.

8 Q. Okay. So he's aiming downward?

9 A. Yes.

10 Q. Trying to hit the dogs. And meanwhile, Missy's kind
11 of biting on his leg?

12 A. Yes.

13 Q. Was he shooting while Missy was on his leg too?

14 A. Yes.

15 Q. Did you notice if Missy had torn a piece of clothing
16 off or taken a chunk of skin out or anything like
17 that?

18 A. No.

19 Q. I know that's pretty detailed for the time. But you
20 didn't see anything laying on the ground afterwards
21 or anything?

22 A. No.

23 Q. Okay. But Missy had a good bite on him, though?

24 A. Yes.

25 Q. All right. So the guy when he came in he was kind of

1 -- he was facing Colleen when he was hitting her?

2 A. Yes.

3 Q. But when the dogs came in, that's when he looked
4 backwards and you could kind of see him?

5 A. Yes.

6 Q. But it was fast, though, right?

7 A. Yeah.

8 Q. I think originally you had told the police you
9 thought that this was going for like it seemed like
10 it was like 20 minutes?

11 A. Yes.

12 Q. But it wasn't anywhere near that long, was it?

13 A. No.

14 Q. It just seemed like that, right, because you were
15 scared?

16 A. Yeah.

17 Q. How long do you think the whole thing lasted, maybe
18 one, two minutes?

19 A. Two.

20 Q. Two minutes. Okay. So it was pretty quick. When
21 did the two others start running out of the house?
22 Did they start running when the dogs came in or when
23 the guy started shooting?

24 A. When the guy started shooting.

25 Q. And that's when they said whoa, I'm out of here and

1 they got out?

2 A. Yes.

3 Q. And then as soon as they left, is that when you
4 bolted for the door?

5 A. Yes.

6 Q. And so did you go out the front door then?

7 A. Yes.

8 Q. Okay. And then you went right to your cousins as
9 fast as you could, right?

10 A. Yes.

11 Q. And you said you saw someone there, it was Colleen's
12 mom, is that right?

13 A. Yeah, at the house.

14 Q. Her mom was there. Did you tell her what was going
15 on, like, hey, hey, call the police, call the police?

16 A. Yes.

17 Q. Okay. That probably happened within like a minute,
18 less than a minute?

19 A. Yeah.

20 Q. Okay. Did her mom call the police?

21 A. Yes.

22 Q. Like she called like right away first thing?

23 A. Yeah.

24 Q. Okay. So not much time had passed and the police got
25 there right away, right?

1 A. Yeah.

2 Q. Okay. I think before you said the guy had the gun
3 with his right arm, right? He kind of turned around
4 and came at Colleen, right?

5 A. Yes.

6 Q. When he was hitting her, she was sitting on the
7 couch?

8 A. Yes.

9 Q. So was he kind of like leaning over like this to hit
10 her?

11 A. Yes.

12 Q. Or was he standing straight up?

13 A. Leaning.

14 Q. He was leaning. How many times did he hit her?

15 A. He hit her a lot.

16 Q. A lot. Was he saying anything?

17 A. No.

18 Q. He was just hitting her?

19 A. Just hitting her.

20 Q. Okay. I think before when you talked to the police
21 you indicated that you saw a silver gun, right?

22 A. Yes.

23 Q. And it was a revolver, right?

24 A. Yes.

25 Q. Are you familiar with a revolver versus a

1 semiautomatic?

2 A. Yes.

3 Q. It looks like a cowboy gun, it's got the spin?

4 A. Yes.

5 Q. Okay. And that's what kind of gun it was?

6 A. Yes.

7 Q. Did you say that you were there to see Colleen's
8 daughters?

9 A. Yes.

10 Q. How old are they?

11 A. One's 12 and one's 13.

12 Q. Okay. Do they live there with her?

13 A. No.

14 Q. Where do they live?

15 A. At her mother's.

16 Q. Okay. So they live three doors down?

17 A. Yes.

18 Q. They weren't home at the time this happened?

19 A. No.

20 Q. Okay. And going back. You said the dog was biting
21 the person above the foot?

22 A. Yes.

23 Q. Was it right leg?

24 A. I'm not for sure.

25 Q. Okay. And you said you saw the person's face at

1 least a couple times, right?

2 A. Yes.

3 Q. Probably when he first came in the room and did this?

4 A. Yes.

5 Q. And probably when he turned around because of the
6 dogs, right?

7 A. Yes.

8 Q. Okay. And you said he was pretty tall?

9 A. Yeah.

10 Q. And you said you thought he had a dark blue Hollister
11 hoodie?

12 A. Yes.

13 Q. I think their symbol is like an eagle or something,
14 right?

15 A. It's a bird.

16 Q. Some sort of a bird. Did you see that symbol or did
17 you see the words Hollister?

18 A. It was a bird and the words were underneath.

19 Q. Okay. So it was both. And you said it was kind of
20 like a rain jacket?

21 A. Yeah.

22 Q. Okay. The other interesting thing you said is you
23 tried to ping your cellphone or you tried to locate
24 your cellphone?

25 A. Yes.

1 Q. And who was trying to help you do that?

2 A. My mother.

3 Q. Okay. So you downloaded an app or you had an app on
4 the Find My Phone?

5 A. Yeah.

6 Q. That's on Apple products, right? An iPhone?

7 A. No.

8 Q. No. What kind of a phone was it?

9 A. A Blu.

10 Q. Is that the company?

11 A. No. It's the name of the phone.

12 Q. Oh, okay. And you said it was through Verizon?

13 A. No. It's not a contract phone.

14 Q. Oh, it's not. Okay. So this is just an app you had
15 on this particular phone that let's you find it?

16 A. Yeah.

17 Q. Okay. And so your mom was trying to trace that?

18 A. Yes.

19 Q. And you were able to find out that it was at a
20 hospital?

21 A. Yes.

22 Q. Do you know which hospital?

23 A. Metro.

24 Q. It was saying it was at Metro Hospital?

25 A. Yes.

1 Q. Are you sure it wasn't another hospital?

2 A. No, Metro.

3 Q. Okay. And that's where you were at, right?

4 A. Yes.

5 Q. Okay. That's kind of strange, isn't it? So it's
6 saying that the phone that they took was at the
7 hospital with you?

8 A. Yes.

9 Q. Was it maybe finding a different phone?

10 A. I don't know.

11 Q. Are you sure it wasn't another hospital?

12 A. I'm sure it was Metro.

13 Q. Okay. Have you ever heard of a hair style called
14 twists or twisties?

15 A. Yes.

16 Q. Where it's kind of like nubs and it kind of spikes
17 out different, right?

18 A. Yes.

19 Q. Those are different from dreads, right?

20 A. Mm-hmm.

21 Q. You would know the difference if you saw them?

22 A. Yeah.

23 Q. Okay. When did you find out Dalonte White's name?

24 A. The day of the lineup.

25 Q. Who told you his name?

1 A. The officer.

2 Q. He said that's Dalonte White?

3 A. No, in the recording.

4 Q. So during the recording, after you identified him he
5 said that's Dalonte White?

6 A. I identified him in the house and then we went to the
7 car for the recording.

8 Q. You went to the where?

9 A. The car, the cop car for the recording.

10 Q. Okay. So you already found out his name before you
11 did your statement then?

12 A. Yeah.

13 Q. Did they tell you anything else about him?

14 A. No.

15 Q. Okay. They just said his name's Dalonte White?

16 A. (Indicating.)

17 Q. Have you talked to Colleen at all about the name
18 Dalonte White?

19 A. No.

20 Q. Has she told you anything that she's done in regards
21 to Dalonte?

22 A. No, she was in the hospital.

23 Q. I mean, since then?

24 A. No.

25 Q. You've never talked to her about the case or

1 anything?

2 A. No.

3 Q. Never? You never discussed it, like hey, I'm scared,
4 this is what happened or anything like that?

5 A. Yeah.

6 Q. Okay. And you met with the Prosecutor already,
7 correct?

8 A. Yes.

9 Q. And has anyone else told you anything else about
10 Dalonte White?

11 A. No.

12 Q. Did you know he was going to be here today?

13 A. Yes.

14 Q. How did you know that?

15 A. Because it's the bindover.

16 Q. And who told you about a bindover?

17 A. The Prosecutor.

18 Q. Okay. So he told you that Dalonte was going to be in
19 the room today?

20 A. Yes.

21 Q. And so that's how you knew to point to him, right?

22 A. Yeah.

23 Q. Before you said he was like wearing orange, you
24 didn't really look at him, you didn't want to look at
25 him before?

1 A. Yes.

2 Q. But basically since April 24th or so the only name in
3 your mind has been Dalonte White?

4 A. Yes.

5 Q. Have they shared any other suspect information with
6 you or anything of that nature?

7 A. No.

8 Q. So all you know so far through the last few months is
9 the name Dalonte White?

10 A. Yes.

11 Q. Have you seen any other photos of him, anything like
12 that?

13 A. No.

14 Q. You stayed over at your cousin's house three doors
15 down, you waited until the police got there?

16 A. Yes.

17 Q. But you said you told your cousin right away, call
18 them, get them here, we need help, that kind of
19 stuff?

20 A. Yeah.

21 Q. Okay. How quickly did the police arrive?

22 A. In seconds.

23 MR. HOFFMAN: May I approach?

24 THE COURT: Yeah.

25 Q. (BY MR. HOFFMAN) Savannah, I'm handing you what was

1 previously marked as State's Exhibit No. 94. Do you
2 remember talking about this photo?

3 A. Yes.

4 Q. And this is the one that you originally IDed, right?

5 A. Yes.

6 Q. When you were shown it originally, was it black and
7 white?

8 A. Yes.

9 Q. And was it all six pictures together?

10 A. Yes.

11 Q. Okay. And you'd agree with me that in this picture
12 the person in the top middle he's the only one with
13 dreadlocks in that photo array, right?

14 A. Yes.

15 Q. So your eye is kind of drawn to him because of that,
16 right?

17 A. No.

18 Q. But you would agree with me, he's the only one there
19 with dreadlocks, right?

20 A. Yes.

21 Q. The person that came in that day, was his hair
22 hanging down similar like that?

23 A. It was a little bit longer.

24 Q. A little bit longer than that?

25 A. Yes.

1 Q. Okay. But it was hanging down similar?

2 A. Yes.

3 Q. Did the detective give you any instructions during
4 the photo array, did he tell you anything before
5 saying pick someone out?

6 A. Yes.

7 Q. What did he tell you, if you remember?

8 A. I don't remember.

9 Q. Did he tell you that the person may or may not be in
10 there?

11 A. Yes.

12 Q. Or did he say there's definitely someone in there?

13 A. He didn't say that.

14 Q. What about the second time when they came back in the
15 middle of May, did they tell you that there was a
16 person in there or no?

17 A. No.

18 Q. Okay. So they didn't tell you whether or not to
19 identify anyone or not, you did that on your own?

20 A. Yes.

21 Q. When they came back out the second time -- I'm going
22 to show you Exhibits 100 and 103. Were you looking
23 for the other people, the Puerto Rican guy and the
24 other guy that came in or were you looking for the
25 shooter?

1 A. We was looking for the other guys.

2 Q. So you weren't looking for the shooter when you
3 looked at those two photo arrays, right?

4 A. Right.

5 Q. And you don't think any of these guys look like the
6 Puerto Rican guy?

7 A. Hmm-mm.

8 Q. Or the other guy?

9 A. No.

10 Q. And you said you didn't really even see the third
11 guy, right, he was behind the curtain?

12 A. Yeah.

13 Q. Okay. Savannah, I know it may not be comfortable to
14 talk about, but in State's Exhibit No. 4, can you
15 tell us what you right there see on that table where
16 that yellow thing is?

17 A. Where?

18 Q. Do you know what that is?

19 A. A cone.

20 Q. Yeah. A little marker there?

21 A. Yeah.

22 Q. Does it have a number on it?

23 A. Three.

24 Q. What is usually on that table?

25 A. I don't know.

1 Q. I guess what I'm getting at is, is that generally
2 where there's usually some marijuana and things kept?

3 A. I don't know.

4 Q. I mean, clearly you weren't doing anything wrong that
5 day, right?

6 A. Right.

7 Q. Do you know if there was any marijuana or anything in
8 the house that day?

9 A. I don't know.

10 Q. Okay. You didn't smell it or anything like that?

11 A. No.

12 Q. All right. Do you know if what -- was anything taken
13 from that table during this incident that you saw?

14 A. No.

15 Q. Was there money taken?

16 A. I don't know.

17 Q. Okay. So you really didn't see what this guy was
18 taking at all?

19 A. No.

20 Q. Okay. Was he yelling and asking for money?

21 A. No.

22 Q. I noticed that the windows are kind of pulled shut.
23 Does it stay pretty dark in that room?

24 A. No.

25 Q. So you can see pretty well. Were the lights on and

1 things?

2 A. No.

3 Q. Okay. So the lights were off, but the windows you
4 can see through?

5 A. Yeah.

6 Q. Okay. And this happened around like 6:00, right?

7 A. Yes.

8 Q. Do you remember if it was still light out or was it
9 dark out?

10 A. I believe it was still light out.

11 Q. Okay. Do you wear contacts or glasses or anything
12 like that?

13 A. No.

14 Q. You have good vision?

15 THE COURT: You have to say yes.

16 THE WITNESS: Yes.

17 Q. (BY MR. HOFFMAN) When the guy came in with the
18 dreadlocks and pulled the gun out, did most of your
19 attention go to that gun then?

20 A. Yes.

21 Q. I mean, it was pretty scary, you just didn't want
22 that thing pointed at you anymore?

23 A. Yes.

24 Q. All right. Do you know anyone from the neighborhood
25 by the name of Boy Boy?

1 A. No.

2 Q. JR?

3 A. No.

4 Q. You never heard that name?

5 A. No.

6 Q. Have you ever heard the name Edward Bunch before?

7 A. No.

8 MR. HOFFMAN: Nothing further. Thank
9 you, your Honor.

10 THE COURT: Any follow-up?

11 MR. SCHROTH: Yeah, just a couple.
12 Thanks, Judge.

13 THE COURT: You're almost done.

14 **REDIRECT EXAMINATION OF SAVANNAH LAFORCE**

15 **BY MR. SCHROTH:**

16 Q. Savannah, did you get a chance to see the person's
17 face with the gun?

18 A. Yes.

19 Q. Okay. And could you just describe for the Court how
20 it is that you saw that person's face?

21 A. I looked at him.

22 Q. Did you look at him dead in the face?

23 A. Yes.

24 Q. Did he look back at you in the face?

25 A. I'm not sure.

1 Q. Okay. Where were you when you looked into his face?

2 A. I was sitting on the couch.

3 Q. And where was he?

4 A. Like I was sitting right here and he was like by
5 Colleen.

6 Q. Okay. What part of his face, the front, the side?

7 A. The front.

8 Q. Okay. How many times did you see the front of his
9 face?

10 A. A couple times.

11 Q. And what's a couple?

12 A. Five, four.

13 Q. Four or five times you saw him directly right on in
14 the face?

15 A. Yes.

16 Q. Will you ever forget the face?

17 A. No.

18 Q. Now, the first part of your testimony when I asked
19 you questions before, I asked if you saw the person
20 in the courtroom today who had the gun, do you
21 remember that?

22 A. Yes.

23 Q. Okay. Do you remember you pointed someone out?

24 A. Yes.

25 Q. Now, why is it you pointed that person out in court?

1 A. Because that's the one with the gun. That's the one
2 I picked out of the lineup.

3 Q. Okay. Did you point him out because you saw, because
4 you recognized the person from the house or just
5 because you knew --

6 MR. HOFFMAN: Objection.

7 THE COURT: Basis?

8 MR. HOFFMAN: Leading.

9 THE COURT: Can you rephrase the
10 question? I'll sustain it.

11 Q. (BY MR. SCHROTH) Yeah. What exactly made you --
12 when I asked you to identify the person in Court,
13 what exactly made you identify the person over there
14 with the blue and orange on?

15 A. Because he's the one I seen in the house.

16 Q. Okay. And how sure are you of that?

17 A. I'm positive. I'm sure.

18 Q. Okay. You were asked some questions -- do you
19 remember being asked some questions by Mr. Hoffman
20 about the height, about you telling officers what
21 height people were in there? Do you remember those
22 questions at all?

23 A. Not really.

24 Q. Okay. The three individuals that came into the
25 room -- you know, strike that question. The entire

1 time this was happening were you seated or standing?

2 A. I was seated the whole time.

3 Q. All right. So are you able to give a good guess on
4 how tall people were that were in that room?

5 A. No.

6 Q. I'm sorry. What's that?

7 A. No.

8 Q. Okay. Now, are you able to put a number on how long
9 it was that you were in the room during this crime?

10 A. No.

11 Q. Okay. Do you think it was quicker -- do you think it
12 was a long time or a short period of time that you
13 were in that room?

14 A. Short period.

15 Q. All right. And from the point that the dogs come
16 into the room, come running into the room, how much
17 longer are you in that room from that point on?

18 A. Just a couple seconds later.

19 Q. You're only there for a couple more seconds?

20 A. Yes.

21 Q. Okay. And that's after the dogs first come in the
22 room?

23 A. Yes.

24 Q. So how long -- do you actually see one of the dogs
25 bite the guy with the gun?

1 A. Yes.

2 Q. Okay. And how long are you able to see that before
3 you take off out of there?

4 A. Just like a second.

5 Q. Okay. So you only see one second of that?

6 A. Yes.

7 Q. All right. So is it fair to say, you can't say how
8 long it was before something happens to that dog?

9 A. Yes.

10 Q. Okay. Now, I think Mr. Hoffman showed you the
11 different photo arrays a few moments ago, do you
12 remember, with pictures of people?

13 A. Yes.

14 Q. Now, you looked at pictures of people twice, right?

15 A. Yes.

16 Q. Okay. When you looked at pictures of people the
17 second time, if you saw any one of the three that
18 were involved in the crime in those photo arrays,
19 would you have picked them out?

20 A. They told us when we went to the District, they said
21 don't pick him out if you already picked him out.

22 Q. Oh, they did?

23 A. Yes.

24 Q. Okay. All right. Now, when did that happen?

25 A. That's the second time we went.

1 Q. Oh, okay.

2 THE COURT: Before we continue, can
3 you read that back to me? I want to make sure I
4 heard that correctly.

5 (Question read by reporter.)

6 Q. (BY MR. SCHROTH) Okay. Just to make sure that I'm
7 clear on, you know, what was going through your mind
8 when you saw the second set of pictures. So we're
9 just going to start with State's Exhibit 100.

10 State's 100 that's in front of you, is that the
11 same thing we've got on the screen up here?

12 A. Yes.

13 Q. All right. Just to make sure, just so I understand.
14 When you saw it on that day, when you looked at these
15 pictures, did any of those six individuals look
16 familiar to you in terms of whether they were
17 involved or not?

18 A. No.

19 Q. Okay. In any way? And there's no right or wrong
20 answer to this, just whatever you observed. I mean,
21 whether it's the Puerto Rican guy, the other guy or
22 the guy who had the gun. Did any of those come to
23 mind when you look at that photo array?

24 A. No.

25 Q. Okay. And then we're just going to go to No. 103.

1 Okay. State's 103, that's in front of you right now?

2 A. Yes.

3 Q. All right. Is that the same thing that's on the
4 screen?

5 A. Yes.

6 Q. Okay. Now, when you looked at these pictures the
7 first time, I don't remember the exact date, but when
8 you're in the police station looking at those
9 pictures, did any of those pictures -- when you
10 viewed them, in your mind, did any one of those six
11 people look at all like anyone who was involved in
12 the crime back on April 21st in any way, shape or
13 form?

14 A. Yes.

15 Q. Okay. And which person looked to you to be like they
16 were involved in any way at all? And you can use the
17 piece of paper in front of you and I'll just use the
18 board.

19 A. (Indicating).

20 Q. Okay. So that's the bottom row in the middle, is
21 that right?

22 A. Yes.

23 Q. This guy right here, 85048?

24 A. Yes.

25 Q. All right.

1 THE COURT: Which Exhibit is that?

2 MR. SCHROTH: Oh, I'm sorry. State's
3 103, Judge.

4 THE COURT: Thank you.

5 Q. (BY MR. SCHROTH) When you looked at that picture,
6 did you say anything about this guy looks familiar at
7 all?

8 A. Yes.

9 Q. You did?

10 A. Yes.

11 Q. Oh, okay. And so what happened then when you said
12 that?

13 A. They said don't circle him if you already picked him
14 out of a lineup.

15 Q. Okay. All right. And so when you see that, when you
16 looked at that, what role did the person who's 85048,
17 what role did they have?

18 A. The gun.

19 Q. Okay. All right. Why do you say that?

20 A. Because it looks like the other lineup.

21 Q. Okay. So you didn't pick this guy in 103 because you
22 already picked him out, is that what you're saying?

23 A. Yes.

24 Q. So State's 94. When you see State's 94 and State's
25 103 together, is that the same person in both of

1 those, is that what you're saying?

2 A. Yes.

3 Q. Okay.

4 MR. SCHROTH: Okay. That's it.

5 Thanks, Judge. Nothing further.

6 THE COURT: All right. Any recross?

7 MR. HOFFMAN: Just briefly.

8 **RECROSS-EXAMINATION OF SAVANNAH LAFORCE**

9 **BY MR. HOFFMAN:**

10 Q. You said his dreads were hanging down, but longer
11 than in those photos?

12 A. Yes.

13 Q. Longer than in both of those photos?

14 A. Yes.

15 Q. And you would know the difference between those long
16 dreads and twists, right?

17 A. Yes.

18 Q. And Mr. Schroth just asked you about, you were
19 sitting down the whole time?

20 A. Yes.

21 Q. So it was hard to tell height a little bit?

22 A. Yes.

23 Q. How tall are you?

24 A. Five-seven.

25 Q. So you're kind of familiar with your own height at

1 | least, right?

2 | A. Yes.

3 Q. So you said the person was pretty tall?

4 | A. Yes.

5 | Q. Okay. So taller than you, right?

6 | A. Yes.

7 Q. When you were looking at this particular one, 103,
8 the one that you have there, did you tell the
9 detective that this guy down here in the middle, he
10 looks familiar?

11 | A. Yes.

12 Q. And as far as you know that person's Dalonte White?

13	A. Yes.
----	---------

14 Q. And no one's ever told you differently, right?

15 | A. Right.

16 Q. And prior to coming here to court today, you did meet
17 with the Prosecutor?

18 | A. Yes.

19 Q. And you knew that you had previously picked out
20 Dalonte White in a photo array, right?

21 | A. Yes.

22 Q. And you knew Dalonte White was going to be sitting
23 here, right?

24 | A. Yes.

25 THE COURT: I'm sorry. I need that

1 repeated.

2 (Question read by reporter.)

3 MR. HOFFMAN: Nothing further.

4 THE COURT: I just need a couple of
5 clarifications. One is, do you know how the
6 dogs got loose?

7 THE WITNESS: No.

8 THE COURT: No. And the dog Missy bit
9 the man with the dreadlocks, correct?

10 THE WITNESS: Yes.

11 THE COURT: Okay. Do you know if he
12 actually got a hold of his pant leg or did he
13 actually bite him?

14 THE WITNESS: It look like she had a
15 hold of his leg.

16 THE COURT: His leg. Why do you think
17 that?

18 THE WITNESS: Because it looked like
19 she was biting him.

20 THE COURT: Describe for me what you
21 saw.

22 THE WITNESS: He fell back onto
23 Colleen on the couch and his legs were like
24 crossed and she had a hold of his leg.

25 THE COURT: Was the person with the

1 dreadlocks screaming, hollering, could you tell
2 anything like that?

3 THE WITNESS: He kept saying get the
4 dog.

5 THE COURT: I'm sorry?

6 THE WITNESS: He kept saying get the
7 dog.

8 THE COURT: Okay. Did he say anything
9 else, it bit my leg, it's got my pant leg,
10 anything?

11 THE WITNESS: Hm-mm.

12 THE COURT: You didn't hear?

13 THE WITNESS: No.

14 THE COURT: No. Okay. When you said
15 that the phone was at Metro Hospital?

16 THE WITNESS: Yeah.

17 THE COURT: Tell me how you knew that.

18 THE WITNESS: It was an app.

19 THE COURT: I realize that, but go
20 through the process, what you did, what you put
21 in and how you learned that --

22 THE WITNESS: I downloaded the app and
23 I put my number in.

24 THE COURT: So the app was not loaded
25 on the phone, you put it in?

1 THE WITNESS: I had another phone and
2 I downloaded the app on my other phone and I put
3 my number in for that phone that was stolen and
4 it was saying it was here, but the officer said
5 it probably wasn't accurate.

6 THE COURT: Did the officer go to look
7 for the phone?

8 THE WITNESS: Yes.

9 THE COURT: And how do you know he
10 went to look for the phone?

11 THE WITNESS: Because he took the
12 phone and was walking, seeing if it was accurate
13 or not.

14 THE COURT: Okay. And do you know
15 whether he was going to different floors or did
16 he just kind of go like this?

17 THE WITNESS: He went inside the
18 building and I stayed outside.

19 THE COURT: I'm sorry. Say that
20 again.

21 THE WITNESS: He went inside the
22 emergency room and I stayed outside of the
23 emergency room.

24 THE COURT: Okay. So you were outside
25 when you put this in?

1 THE WITNESS: Yes.

2 THE COURT: Why were you at Metro
3 Hospital?

4 THE WITNESS: I was seeing Colleen.

5 THE COURT: Okay. And was it the same
6 day?

7 THE WITNESS: Yes.

8 THE COURT: So do you remember what
9 time it was?

10 THE WITNESS: No.

11 THE COURT: Was it night by then,
12 dark?

13 THE WITNESS: Night. Dark.

14 THE COURT: So the officer went into
15 the hospital with your mom's phone?

16 THE WITNESS: Yes.

17 THE COURT: And walked around and
18 couldn't locate your phone?

19 THE WITNESS: Yes.

20 THE COURT: Okay. All right. Do you
21 have any follow-up based on the Court's inquiry?

22 MR. SCHROTH: No. Thanks, Judge.

23 THE COURT: Do you?

24 MR. HOFFMAN: No. I don't think so,
25 your Honor.

1 THE COURT: Thank you. You have been
2 very brave. I appreciate you coming down and
3 testifying. You may step down. You may call
4 your next witness.

5 MR. SCHROTH: Can we just approach for
6 a second, Judge?

7 (Sidebar discussion held.)

8 THE COURT: All right. We're back on
9 the record. Prosecutor Schroth, you may call
10 your next witness.

11 **COLLEEN ALLUMS, Sworn.**

12 THE COURT: Ms. Allums, hi. I'm Judge
13 Rini. Welcome to my courtroom. Do you need
14 some water? No? What's going to happen is
15 Prosecutor Schroth is going to ask you questions
16 and then Attorney Hoffman is going to ask you
17 questions. If either side says objection, just
18 stop talking and I'll make a ruling. And if you
19 don't know an answer to a question, then just
20 say I don't know. Don't try and please anyone
21 in the room except yourself. All right. Thank
22 you.

23 You're going to have to speak verbally
24 because we are taking everything down. Not only
25 are we recording, but this nice girls is. Okay?

1 Say yes.

2 THE WITNESS: Yes.

3 THE COURT: Okay. Thank you. You may
4 proceed.

5 **DIRECT EXAMINATION OF COLLEEN ALLUMS**

6 **BY MR. SCHROTH:**

7 Q. Good afternoon. Can you please just introduce
8 yourself to the Court and to counsel?

9 A. I'm Colleen Allums.

10 Q. And Colleen, how do you spell your first name?

11 A. C-o-l-l-e-e-n.

12 Q. And how do you spell your last name?

13 A. A-l-l-u-m-s.

14 Q. All right. And Colleen, how old are you?

15 A. Thirty-four.

16 Q. Okay. And where did you live on April 21st of 2015?

17 A. 3255 West 54th.

18 Q. Okay. What city was that in?

19 A. Cleveland.

20 Q. What county?

21 A. Cuyahoga.

22 Q. And what state?

23 A. Ohio.

24 Q. All right. If you can, I need you to help me out and
25 just keep your voice up. Okay. You're doing a good

1 job and you're leaning in. There's a microphone
2 right there just so everybody can hear. Do we have a
3 deal?

4 A. Yes.

5 Q. Okay. All right. So on April 21st, 2015 who did you
6 live with in the house at that time?

7 A. I lived with my boyfriend.

8 Q. With who?

9 A. My boyfriend.

10 Q. Okay. And what's his first name?

11 A. Don.

12 Q. Don. Okay. And did anyone else live in the house?

13 A. No.

14 Q. Did you have any pets?

15 A. I have three dogs. Had.

16 Q. Okay. What were their names?

17 A. Mischief, Diddy and Mayhem.

18 Q. Now, do you know someone named Savannah LaForce?

19 A. Yes.

20 Q. How do you know her?

21 A. It is my nephew's girlfriend.

22 Q. Okay. And is she considered sort of like family for
23 you?

24 A. Yes.

25 Q. Do you know someone name Zackary Hale?

1 A. That's my nephew.

2 Q. All right. Now, did you see either of those two that
3 day?

4 A. Yes.

5 Q. Okay. Did you see them at the same time, did you see
6 one first?

7 A. Savannah was in the house with me and we were just
8 chitchatting.

9 Q. Do you remember around what time Savannah came over?

10 A. About 5:00, 5:15.

11 Q. Is that morning or night?

12 A. Evening.

13 Q. And you said you were chitchatting, where were you
14 guys at?

15 A. Sitting in my living room.

16 Q. Okay. And where were you seated in the living room?

17 A. I was sitting on one of the couches in my living
18 room.

19 Q. Okay. What color was the couch?

20 A. Like a tannish color.

21 Q. In relationship to the TV, how was it in terms of
22 where the TV was situated?

23 A. Basically like right in front of it.

24 MR. SCHROTH: Judge, can I approach
25 the witness?

1 THE COURT: Yes.

2 Q. (BY MR. SCHROTH) All right. I'm going to show you
3 State's Exhibits 2 and 4. State's Exhibit 4, does
4 that look familiar?

5 A. Yes.

6 Q. How is that familiar to you?

7 A. That's the couch that I was sitting on.

8 Q. Okay. And does it show where it was you were seated?

9 A. Generally, yeah.

10 Q. Okay. Could you just hold it up and show the Court
11 and counsel. Sort of near the opposite end of where
12 the photographer was standing?

13 A. Yes.

14 THE COURT: Let the record reflect
15 that she's pointed to the right side of the
16 photograph if you're looking directly at the
17 photo.

18 MR. SCHROTH: Thank you, Judge.

19 Q. (BY MR. SCHROTH) And then State's Exhibit 2, does
20 that look familiar?

21 A. That's the sectional that was in my living room.

22 Q. All right. And was anyone seated there?

23 A. Savannah was sitting about here.

24 Q. And so you're pointing to the bottom of the
25 photograph, towards the end?

1 A. Yeah. And Zacky was sitting about here.

2 Q. He's at the end closest to the TV?

3 A. At the opposite end, yes.

4 Q. Okay. And does State's Exhibit 2, does that show at
5 all how you would enter the room?

6 A. No. It doesn't show where you would enter, but it
7 would be a little bit like around here.

8 Q. And you're pointing to the bottom underneath the
9 couch?

10 A. Yeah.

11 Q. Okay. So at this point it's just -- who's in the
12 house at this point when you're talking with
13 Savannah?

14 A. Just me and her.

15 Q. All right. Where is Don?

16 A. He went to take Zacky's brother, Jacob, to get his
17 brakes fixed.

18 Q. Okay. How much earlier did he leave to go for the
19 brakes?

20 A. About 4:15, 4:20.

21 Q. All right. So you and Savannah are talking, does
22 anyone else come in the house at this point?

23 A. Zacky came in.

24 Q. All right. And how do you know Zackary came in?

25 A. I heard the screen door.

1 Q. Okay. And is there any point where you see him?

2 A. I stood up and I went -- I had curtains over my
3 doorway and I peeked through the curtains and I seen
4 Zacky come in.

5 Q. Okay. Where are the curtains in comparison to the
6 living room?

7 A. From the photo that you showed of the sectional
8 they're a little bit away from where Savannah was
9 sitting.

10 Q. Okay. So if you go through the curtains, where would
11 you go? What room would you be in?

12 A. When --

13 Q. I'm sorry. Let me clarify that. If you leave the
14 living room and you go through the curtains, what
15 room would you be in?

16 A. The dining room.

17 Q. All right. I'm going to show you State's 3. And
18 does that look familiar at all?

19 A. Yeah.

20 Q. Okay. What do we see there?

21 A. The entrance to my front door.

22 Q. If you could just hold it up when you do that.

23 A. The entrance to my front door. The entrance to my
24 living room (indicating).

25 Q. Okay. You said you peeked through the curtains or

1 whatever?

2 A. Yeah.

3 Q. All right. And what did you see?

4 A. Zacky.

5 Q. And you can put that photo down. Thank you. Did you
6 see anyone else at that time?

7 A. No.

8 Q. All right. So now what happens?

9 A. I went to sit back down and --

10 Q. Did you make it back to the couch?

11 A. I made it back to the couch and went to -- I sit on
12 my feet. And I went to cross back down and sit on my
13 feet and three gentlemen, they walked in.

14 Q. Okay. Had you ever seen either of these three
15 individuals before?

16 A. No.

17 Q. Okay. Were you able to -- are you able to describe
18 any of the three gentlemen?

19 A. At the time when they came in he had braids
20 (indicating).

21 Q. Okay. So are you saying one of them had braids?

22 A. (Indicating).

23 Q. All right. Can you describe for the Court what did
24 the braids look like?

25 A. They were about that big (indicating), about that

1 high off his head.

2 Q. Okay. Could you do that one more time? That's how
3 long the braids were?

4 A. Like sticking out all over.

5 Q. Okay. Did the braids cover his forehead at all?

6 A. Over like a sweatband came down.

7 Q. Was there a sweatband?

8 A. (Indicating).

9 Q. There was a sweatband? I know if we talk normally
10 you can just nod or make gestures. Since there is a
11 court reporter taking everything down, I need you to
12 verbalize it. Okay?

13 A. Yes.

14 Q. So there was a sweatband?

15 A. Yes. It looked like it.

16 Q. Okay. I know I'm being that picky, but do you
17 remember the color of the sweatband at all, if you
18 remember?

19 A. Everything kind of looked black, like it blended in.

20 Q. All right. Well, did it cover that person's face at
21 all?

22 A. No.

23 Q. Did he -- what did you call the hair things?

24 A. It looked like dookie braids.

25 Q. Dookie braids. Did the dookie braids -- how far down

1 -- did they go past the sweatband?

2 A. No.

3 Q. Okay. And how far down did the sweatband go on the
4 forehead?

5 A. Only about that far (indicating).

6 Q. So you just indicated about --

7 A. Just the very top of the forehead.

8 Q. Okay. Like an inch, is that what you're saying?

9 A. Yeah.

10 Q. Okay. The person with those dookie braids, did you
11 get a look at that person's clothing at all?

12 A. Yes.

13 Q. Could you describe that for the Court?

14 A. Had a royal blue Hollister coat on.

15 Q. Royal blue Hollister coat. Okay. Why do you say
16 it's a Hollister?

17 A. Because of the white bird that was on the -- the
18 insignia that was on the coat.

19 Q. You're kind of gesturing to yourself, what part of
20 the coat was it on?

21 A. It was on the -- I don't know what it's called.
22 Around the zipper area. It was like a white bird.

23 Q. So you're kind of indicating up on the --

24 A. Like the shoulder area.

25 Q. Yeah, left shoulder, left breast area?

1 A. Yeah.

2 Q. Okay. Now, did you see any other clothing on the
3 person that we're talking about?

4 A. Black jeans.

5 Q. All right. At any point in time are you able to get
6 a look at the other two people that were there?

7 A. One of them.

8 Q. Okay. Help us out, what did that person -- describe
9 that person for us.

10 A. A shorter individual, rather slim, looked to be
11 Hispanic, had a goatee, had on a baseball cap and a
12 hood.

13 Q. Are you able to see that person's face at all?

14 A. Just the front. He had a goatee. That's all I can
15 see.

16 Q. Okay. I mean, is that someone you could identify
17 later on?

18 A. Possibly.

19 Q. Possibly. Okay. What about the first person, is
20 that someone you would have been able to identify
21 later on?

22 A. Yes.

23 Q. Now, did you get any look at all at the third person?

24 A. No. I just can tell that he was tall and slender.
25 He had his face completely covered.

1 Q. Okay. Could you tell at all what race that person
2 was?

3 A. Black just because I seen his hands. He was a black
4 individual.

5 Q. Okay. Now, of those three, could you tell in terms
6 of relative heights of each other, could you rank the
7 heights of these guys?

8 A. The first one, he was about five-nine, maybe six
9 foot.

10 Q. All right. The first one is five-nine to six feet,
11 is that what you said? You just nodded, was that a
12 yes?

13 A. Yes. I'm sorry.

14 Q. And the second guy that you talked about?

15 A. Was rather short and maybe about five-foot, maybe
16 five-two at best.

17 Q. Okay. And then the last guy?

18 A. Was taller. I would say about six-two if not a
19 little bit taller.

20 Q. Okay. So the heights range from five foot to 5-2 to
21 5-9 to 6 foot to 6 foot to 6-2?

22 A. Yeah.

23 Q. Could you tell anything about their builds at all?

24 A. The first individual was kind of like a huskier build
25 and the other two were more slender.

1 Q. Okay. All right. So what happens? So did these
2 guys come into the living room?

3 A. Yes.

4 Q. All right. Do all of them come into the living room?

5 A. Yes.

6 Q. And at that time -- who is in the living room at that
7 time when they come in?

8 A. Me, Zacky and Savannah.

9 Q. All right. And what happens now?

10 A. Before I even was sat back down on the couch I was
11 hit with a blunt object in the left side of my head.

12 Q. Before this happens did anyone say anything?

13 A. I'm not real sure.

14 Q. Did you say anything before this happened?

15 A. No.

16 Q. Could you just indicate to the Court where were you
17 struck?

18 A. About my temple area.

19 Q. On the left side?

20 A. Yes.

21 Q. So what happens now?

22 A. I was struck several more times over and over and
23 over.

24 Q. Had you ever seen these guys before?

25 A. No.

1 Q. All right. Could you tell which of the three
2 individuals was striking you?

3 A. Yes.

4 Q. Which one?

5 A. Him (indicating).

6 Q. I'm sorry?

7 A. Him (indicating).

8 Q. You sort of pointed. What do you mean by him?

9 A. The first guy that I described.

10 Q. Is that person in court?

11 A. Yes.

12 Q. Could you please indicate where that person is seated
13 or standing and what they're wearing?

14 A. He's sitting right there.

15 Q. You pointed. What's the person wearing?

16 A. A blue jumpsuit.

17 Q. Okay. And where are they positioned in the
18 courtroom?

19 A. On the right-hand side. My left.

20 Q. Your left because I'm facing the right-hand side?

21 A. Yes.

22 MR. SCHROTH: Judge, I would ask that
23 the record reflect that she's identified the
24 alleged delinquent.

25 THE COURT: So identified.

1 Q. (BY MR. SCHROTH) Now, what is it that is making you
2 say that the person in court is the person that
3 struck you, why do you say that?

4 A. I'll --

5 Q. What's that?

6 A. I'll never forget those eyes.

7 Q. The eyes. What about his eyes?

8 A. They're evil.

9 Q. Okay. So while you're being struck, if you know,
10 what the other two people are doing, individuals in
11 the living room?

12 A. No, I don't.

13 Q. If you know, do you know what Savannah and Zacky are
14 doing?

15 A. No, I don't.

16 Q. Okay. What happens now?

17 A. I honestly don't know. I know I was being beaten and
18 I fought with my couch.

19 Q. What do you mean?

20 A. I was being beaten into the cushion of my couch.

21 Q. Okay.

22 A. And I was gripping it trying to hold onto it.

23 Q. What part are you gripping on the couch?

24 A. My arms. I kept grabbing it trying to hold it so
25 that I couldn't be brought back up and hit down

1 again.

2 Q. Are we talking about the cushion? Is that yes?

3 A. Yes.

4 Q. Okay. So what happens at this point? You're holding
5 onto the couch, now what happens?

6 A. I had a gun in the couch I know that I -- I had a gun
7 in the couch, I was trying to fight for it to defend
8 myself, but I was incoherent very much at the time
9 and I didn't get to it in time and I was blacked out.

10 Q. Okay. Why was there a gun -- why do you guys keep a
11 gun in the couch?

12 A. Safety. The neighborhood.

13 Q. Okay.

14 A. It's usually put up.

15 Q. What does that mean by put up?

16 A. It's usually in a lockbox somewhere.

17 Q. All right. Are you ever able to pull that gun out to
18 defend yourself?

19 A. I never was able to pull it out to defend myself, no.

20 Q. Okay. What's the next thing that you remember?

21 A. Waking up on the floor.

22 Q. And what is it you first see when you wake up?

23 A. Blood.

24 Q. Okay. Do you know whose blood that is?

25 A. At first, no, and then I sat up and realized that I

1 was bleeding out my chest.

2 Q. Okay. Do you know what caused you to be bleeding
3 from my chest?

4 A. At that point I didn't.

5 Q. Did you come to learn?

6 A. Yeah.

7 Q. What?

8 A. I had been shot.

9 Q. All right. How many times?

10 A. Once in my shoulder blade and it exited out my chest.

11 Q. Okay. Did you actually see yourself bleeding?

12 A. Yes.

13 Q. All right. And when you come to is anyone else in
14 the room with you at that time?

15 A. No.

16 Q. So what do you do?

17 A. I walked out to the front porch and I yelled for help
18 and I collapsed.

19 Q. Okay. Would you recognize your house if you saw it?

20 A. Yes.

21 Q. I'm showing you State's Exhibit 1. Does that look
22 familiar?

23 A. Yes.

24 Q. What do we see there?

25 A. The front of my house and my porch.

1 Q. Okay. And if you could just show the Court where
2 exactly your porch is compared to your house?

3 A. It's my porch (indicating).

4 Q. So as you look at the photo, it's on the right-hand
5 side?

6 A. Yes.

7 Q. And the door on the porch, where does that go into?

8 A. That leads into my dining room.

9 Q. Okay. So what happens when you exit your porch?

10 A. Yes.

11 Q. Okay. What happens there?

12 A. I dropped about there (indicating).

13 Q. So you're pointing towards the end of the porch?

14 A. Yeah, about right at the end. I couldn't hear
15 anything.

16 Q. You're still bleeding at that time?

17 A. Yes.

18 Q. Okay. How strongly are you bleeding, would you say?

19 A. Very badly.

20 Q. What happens at this point?

21 A. My daughter, my 13-year-old daughter found me lying
22 there and screamed mommy. I responded to her and
23 told her to go get granny, that I had been shot and
24 she ran and got my mom.

25 Q. Okay. Does anyone call for any sort of assistance or

1 anything?

2 A. My mom did.

3 Q. All right. Does anyone come?

4 A. The EMS.

5 Q. Okay. Where does EMS take you?

6 A. To Metro Health.

7 Q. Before you got to Metro Health did you ever talk to
8 any police officers?

9 A. Not that I know of.

10 Q. All right. And then what happens when you get to
11 Metro Health?

12 A. I really don't know because I was too out of it. I
13 wasn't really told of anything until I woke up the
14 next morning.

15 Q. What do you mean you weren't told of anything?

16 A. I didn't know of anything that happened at the
17 hospital until the next morning.

18 Q. Until the 22nd?

19 A. Yes.

20 Q. Did any family members come to visit you on the 22nd?

21 A. My mom and my kids later in the evening and then
22 later in the evening my cousins earlier in the day.

23 Q. Did Zack or Savannah stop in at all that day, do you
24 remember?

25 A. Not that I remember.

1 THE COURT: Can we take a little bit
2 of timeout?

3 MR. SCHROTH: Yeah.

4 (Short recess taken.)

5 THE COURT: We're back on the record.
6 You may continue your inquiry.

7 MR. SCHROTH: Thank you, your Honor.

8 Q. (BY MR. SCHROTH) Colleen, I think we left off and we
9 were talking about when you were in the hospital.
10 Okay. At any point in time -- well, let me back up.
11 We were talking about the 22nd of April. I think the
12 last thing you said was, I asked if Savannah and Zack
13 had stopped up that day and I think you said no, is
14 that right?

15 A. Yes.

16 Q. Okay. Is there any point in time where any law
17 enforcement visited the hospital?

18 A. Not until the following Friday.

19 Q. Do you remember the day at all, if you know?

20 A. I know they came Friday.

21 Q. Okay. What happened when the police came?

22 A. They gave me a photo lineup.

23 Q. All right. Did they give you one, did they give you
24 more than one, do you remember?

25 A. I'm not sure.

1 Q. Okay. You looked at photo lineup or lineups, is that
2 right?

3 A. Yes.

4 Q. Were you able to identify anyone in those photo
5 arrays?

6 A. Yes.

7 Q. Who is it that you identified, what role did that
8 person play?

9 A. The person that beat me.

10 Q. The person with the gun?

11 A. Yes.

12 Q. All right. I'm going to show you what's marked as
13 State's 106, 109 and 112. I'm handing you what has
14 been marked as State's 106. Does that look familiar?

15 A. Yes.

16 Q. How does that look familiar to you?

17 A. It was one of the lineups that I had to look at.

18 Q. Okay. Is that 106, is that what I said? Did anyone
19 look familiar at all in there? What you see in front
20 of you, 106, is that the same thing we see on the
21 screen?

22 A. Yes.

23 Q. Okay. And when you looked at that did you see anyone
24 that you recognized as playing any role from the home
25 invasion?

1 A. No.

2 Q. All right. State's 109, does that look familiar?

3 A. Yes.

4 Q. How is that familiar?

5 A. It's what I circled.

6 Q. Okay. It's a little darker on the screen. State's
7 109, is that what we see on the big screen?

8 A. Yes.

9 Q. Okay. Did anyone look familiar in terms of the crime
10 here?

11 A. Yes, this picture.

12 Q. All right. And where is that person, did you make
13 any markings on the page?

14 A. The first picture.

15 Q. Okay. If you could hold it up and point for me. So
16 you're pointing in the top row, far left?

17 A. Yes.

18 Q. Okay. What marking did you make on that picture?

19 A. I circled it and initialled it.

20 Q. All right. Why did you circle that photo?

21 A. Because that's who beat me.

22 Q. Okay. And how do you know it's the same person?

23 A. The eyes.

24 Q. Okay. And I'm showing you State's 112. Does that
25 look familiar?

1 A. Yes.

2 Q. How is that familiar?

3 A. It was another lineup that I was shown.

4 Q. Okay. And is that what's on the big screen here?

5 A. Yes.

6 Q. Did you see anyone there that resembled anyone from
7 the crime?

8 A. No.

9 Q. Okay. And these Exhibits 106, 109 and 112, are they
10 the photo arrays that you looked at?

11 A. Yes.

12 Q. Okay. And this is while you're at Metro?

13 A. Yes.

14 Q. All right. And up to this point in time had you had
15 any interaction with Savannah or Zackary?

16 A. Savannah came to the hospital, but was only there for
17 a few minutes.

18 Q. Were you aware if she looked at any pictures at all
19 up to that point?

20 A. No.

21 Q. All right. So how long were you in the hospital for?

22 A. A week.

23 Q. If you can, what exactly were your injuries that you
24 sustained as a result of this?

25 A. A fractured skull, brain damage, two broken ribs, a

1 broken shoulder blade, my lung collapsed and I almost
2 died.

3 Q. Okay. As you sit here now, do you still feel some of
4 the effects of what happened?

5 A. Yes, everyday.

6 Q. Okay. When you were released from the hospital --
7 let me back up for a second. After you circled the
8 person in State's Exhibit 109, at that point did you
9 know who that person was?

10 A. I didn't know his name until after I circled and
11 identified who it was.

12 Q. Okay. And how did you learn his name?

13 A. The detectives told me.

14 Q. All right. After you made the identification?

15 A. Yes.

16 Q. Have you ever heard that name before?

17 A. No.

18 Q. Okay. Have you ever seen him around before?

19 A. No.

20 Q. All right. So did you do any independent research or
21 anything before you picked out anyone in a photo
22 array?

23 A. No, I was in the hospital. My phone was stolen.

24 Q. Okay. From the time you left the hospital, after you
25 left the hospital, did you ever meet or speak with

1 any police regarding this case?

2 A. Yes, but I'm not sure how long it was after I left
3 the hospital.

4 Q. Okay. And how did that come to be?

5 A. I was called and asked to come look at a few photo
6 lineups.

7 Q. Okay. Do you know around the date when that was?

8 A. I'm not positive.

9 Q. Okay. Do you know why they wanted you to come back
10 in?

11 A. That there was more evidence found. I wasn't real
12 sure.

13 Q. Okay. The police wanted you to look at more
14 pictures, is that fair to say?

15 A. Yeah.

16 Q. All right. Now, where did that take place at?

17 A. Second District.

18 Q. And did you go down there by yourself or with anyone
19 else?

20 A. Savannah and Zacky went with me.

21 Q. Same car?

22 A. Yes.

23 Q. All right. And when you went down there, what
24 happened when you got to the Second District?

25 A. We were separated.

1 Q. Okay. How soon after you got there were you
2 separated?

3 A. We waited in the lobby for about five, ten minutes
4 and then we were separated when we went in the back.

5 Q. What happened to you when you went in the back?

6 A. I was sat with another detective and they were sat
7 with other detectives.

8 Q. Okay. And then what happens with you and the
9 detective?

10 A. I was given another photo lineup and they asked me if
11 I recognized anybody, to circle them.

12 Q. Okay. And at that time did you -- did you circle
13 anyone at that time?

14 A. I did not.

15 Q. Okay. Was there anyone that looked familiar to you,
16 though, at that time?

17 A. The same person that I had already circled
18 previously, but the same detective told me not to
19 circle him if they'd already -- I had already
20 received a letter that he'd been arrested.

21 Q. Before this you had received a letter?

22 A. Mm-hmm.

23 Q. Okay. All right. So I'm going to show you State's
24 115 and 118. State's 115, does that look familiar?

25 A. Yes.

1 Q. All right. How is that familiar?

2 A. It was one of the lineups that the detective showed
3 me.

4 Q. Okay. And is that what we're looking at on the big
5 screen here?

6 A. Yes.

7 Q. All right. When you looked at it, did anyone at all
8 look familiar to you in terms of the crime on
9 April 21st?

10 A. No.

11 Q. Okay. I'm handing you what has been marked as
12 State's 118. Does that look familiar?

13 A. Yes.

14 Q. How is that familiar?

15 A. It was the other lineup that I was shown.

16 Q. All right. Is that what's on the big screen?

17 A. Yes.

18 Q. Did you actually ever make any markings?

19 A. No, I did not.

20 Q. Did you want to?

21 A. Yes.

22 Q. Okay. Who in that array did you want to place a mark
23 on?

24 A. The second picture in the first row.

25 Q. Can you just for the Court and Counsel hold it up?

1 Second picture first row. Okay. So the person
2 85018?

3 A. Yes.

4 Q. Okay. What made you want to pick that person as
5 well?

6 A. Again, the eyes.

7 Q. Okay. And take us through what happened. So what
8 did you say when you saw that picture?

9 A. I showed the detective that I was with and I told him
10 that I recognized him, but I knew that I'd already
11 received a letter for his arrest and he said not to
12 circle him because we were -- that they were looking
13 for the other two suspects and that if he was already
14 arrested, that it would be them going in circles.

15 Q. Okay. So then you did not make an identification?

16 A. Correct.

17 Q. Again, just to be clear, what role did that person
18 play?

19 A. The one with the gun.

20 Q. So is that the same person then that we see in
21 State's 109?

22 A. Yes.

23 Q. Okay. Colleen, to be fair, we had met a few times
24 before, but we met one time and talked at length
25 about your recollection of the events, is that right?

1 A. Yes.

2 Q. All right. And after that did you have any
3 recollection or did you interact with police again
4 after that?

5 A. I'm sorry?

6 Q. Did you interact with police again after that photo
7 array, talk with them again?

8 A. One time after that.

9 Q. When was that?

10 A. When his defense attorney came to my house.

11 Q. Oh, okay. And I think you relayed that to the police
12 officer as well as the events of what happened?

13 A. Yes.

14 Q. Okay. Going back to the events of April 21st, were
15 you able to get a look at the gun that was used to
16 pistol whip you?

17 A. No, I did not.

18 Q. All right. And you were shot, right?

19 A. Yes.

20 Q. Were you able to hear gunshots go off?

21 A. No, I did not.

22 Q. And then you indicated at that time that you had
23 three dogs?

24 A. Yes.

25 Q. Okay. Do you still have all three dogs?

1 A. No, I don't.

2 Q. All right. How many do you have?

3 A. I have two.

4 Q. And what happened to the third dog?

5 A. He shot and killed her.

6 Q. What was that dog's name?

7 A. Mischief.

8 Q. Okay. And do you know, was anything taken from your
9 home?

10 A. My cellphone, my niece's cellphone, a \$5 bill and a
11 gun.

12 Q. Which gun was that?

13 A. Mine.

14 Q. You had mentioned a gun earlier that you were trying
15 to use, is that the same gun?

16 A. Yes.

17 Q. All right.

18 MR. SCHROTH: Can I have a moment,
19 Judge?

20 THE COURT: Sure.

21 MR. SCHROTH: Thank you, Judge.
22 Nothing further.

23 THE COURT: All right.

24 Cross-examination.

25 MR. HOFFMAN: Thank you.

CROSS-EXAMINATION OF COLLEEN ALLUMS

BY MR. HOFFMAN:

Q. Hi, Colleen.

A. Hi.

Q. Again, I know we've met before. My name is Brian Hoffman with the Public Defender's Office and I represent Dalonte White. I'm going to ask you some follow-up questions. Okay.

Just for notes, I think we met back on June 10th, was that right, with my investigation Amanda, do you remember her?

A. Yes.

Q. Tall with short black hair?

A. Yes.

Q. At that time that's when you said you had made another identification, correct?

A. I'm sorry?

Q. That you had told the detective that you picked out that picture right there, correct?

A. No.

Q. You don't recall telling myself and Amanda that you told the detective that you said yeah, that's the shooter, but he told you not to mark anyone?

A. That's what I just said.

Q. And that's what you had relayed to us back in June,

1 correct?

2 A. Yeah.

3 Q. And it was actually a very comfortable meeting, there
4 was no animosity between us at the time, was there?

5 A. Not until I found out that you were representing him.

6 Q. When you found out that I was representing Dalonte
7 White because in your mind all you've known is
8 Dalonte White, correct, for this case?

9 A. I know what I seen.

10 Q. All right. And I think you said the first time you
11 had heard the name Dalonte White was after you made
12 the first identification and they told you his name,
13 correct?

14 A. Correct.

15 Q. Did they tell you anything else about any evidence or
16 anything like that that they had?

17 A. No.

18 Q. Okay. So all you knew was the name Dalonte White?

19 A. Yes.

20 Q. Did the police ever tell you later anything about the
21 investigation?

22 A. No.

23 Q. So you had just been waiting to hear -- all you knew
24 was the name Dalonte White?

25 A. Yes.

1 Q. But you did try to look up Dalonte White on Facebook
2 and things like that?

3 A. No, I did not.

4 Q. You never looked him up before?

5 A. No, I did not. I don't get on Facebook. I don't
6 know how to use Facebook.

7 Q. Okay. So you never saw any other independent
8 pictures of him or anything like that?

9 A. I was sent pictures. I did see pictures, but I did
10 not look them up.

11 Q. Oh, okay. You were sent pictures by someone?

12 A. Yes. Outside of the family.

13 Q. Who was that?

14 A. Star.

15 Q. Star?

16 A. Yes.

17 Q. Who's Star?

18 A. Savannah's mom.

19 Q. Oh, okay. So a family friend?

20 A. Yes.

21 Q. Okay. So Savannah's mom also knew the name Dalonte
22 White?

23 A. Well, yeah.

24 Q. Okay. So that's been the name ran around that you've
25 been basically in fear of for the last three months

1 or so?

2 A. You can say that.

3 Q. Well, is that pretty fair?

4 A. Yeah.

5 Q. In looking at this Exhibit No. 118, are you saying
6 today that when you met with the detective you said,
7 that's the shooter and pointed at that middle photo,
8 the top middle? I'm sorry. You have to answer out
9 loud.

10 A. Yes.

11 Q. And the detective just told you, don't mark it?

12 A. I said that that was the shooter, but I know he was
13 arrested.

14 Q. And that's why he told you then, well, don't mark
15 him?

16 A. Yes.

17 Q. But you're sure that's the guy?

18 A. Yes.

19 Q. Because you know those eyes?

20 A. Yes. They looked at me while I was lying on the
21 floor bleeding to death.

22 Q. All right. Have you ever heard of a name around the
23 neighborhood Boy-Boy?

24 A. No.

25 Q. JR?

1 A. I work. I'm not on the street. So how would I know
2 these names?

3 Q. All right. I'm just asking if you might know these
4 people from the neighborhood.

5 THE COURT: Ma'am, I understand what
6 happened to you was awful, but you understand
7 that he has a right to representation. Attorney
8 Hoffman is not trying to antagonize you. He is
9 not trying to do anything. So please just
10 answer his questions as best you can. Okay?

11 THE WITNESS: Yes.

12 Q. (BY MR. HOFFMAN) You said the person had a bandanna
13 on and the dreads were hanging over the bandanna?

14 A. Just a little bit.

15 Q. Okay. So it was like medium length hair?

16 A. Yes.

17 Q. Coming into the forehead a little bit?

18 A. No, it didn't come nowhere near the forehead.

19 Q. Down the sides at all?

20 A. No.

21 Q. Okay. Do you know anyone by the name of Edward
22 Bunch?

23 A. No.

24 Q. Have you ever heard the name Edward Bunch before?

25 A. No.

1 Q. You've never heard the name before?

2 A. No. Never ever.

3 Q. No one --

4 A. Never.

5 Q. No one from the police has ever told you anything
6 about Edward Bunch?

7 A. No.

8 Q. Anyone from the Prosecutor's Office?

9 A. No.

10 Q. So as far as you've been told today you think that
11 that's Dalonte White?

12 A. Yes.

13 Q. No one has ever told you that that's Edward Bunch?

14 A. No.

15 MR. SCHROTH: Objection, Judge.

16 THE COURT: What's your basis?

17 MR. SCHROTH: Can we approach?

18 THE COURT: Yeah.

19 (Sidebar discussion held.)

20 THE COURT: All right. We're back on
21 the record.

22 Q. (BY MR. HOFFMAN) Ms. Allums, approximately how long
23 do you think the whole event took place from the time
24 that the guy first walked in until the time you can't
25 remember anymore?

1 A. Probably about 20 minutes to half an hour.

2 Q. The whole thing took that long?

3 A. About 20 minutes. It was over as quick as it
4 started.

5 Q. You said the Hispanic guy was shorter and slimmer?

6 A. Yes.

7 Q. And the third guy was tall and slender?

8 A. Yes.

9 Q. Since that last time then, you haven't met with the
10 police or anything additional since that last time
11 that you mentioned, correct?

12 A. Yes.

13 Q. And you were aware Dalonte was going to be in the
14 room today?

15 A. Yes.

16 Q. And you knew where he would be sitting?

17 A. For the most part.

18 Q. And you were told this by who?

19 A. The Prosecutor.

20 Q. And you have already been given his name by the
21 police?

22 A. Yes.

23 Q. So even when we first talked about the case back in
24 June, even then you said it's Dalonte, we know him,
25 he's in jail, we know who he is, they got him, right?

1 A. Yes.

2 Q. I think there was one other interesting thing when we
3 talked that day. We kind of asked that question that
4 detectives often ask about, do you know anyone who
5 would want to hurt you and I believe you said there
6 might be someone, correct?

7 A. I didn't say that there would be somebody. I had
8 gotten into an altercation with a female over my
9 13-year-old daughter.

10 Q. That was this Cheyenna Cole, is that right?

11 A. Yes.

12 Q. And I think that you and Don were mentioning that
13 there was an incident, was it like a month beforehand
14 with them?

15 A. Yes.

16 Q. And Cheyenna Cole and maybe two of her friends or
17 sisters attacked you?

18 A. Her sisters, and they didn't attack me.

19 Q. They didn't?

20 A. No.

21 Q. They were trying to get at your daughter?

22 A. She was threatening my 13-year-old daughter.

23 Q. And these girls were older?

24 A. Yes. She's 20 years old and I got into a fist fight
25 with a 20-year-old trying to fight with my

1 13-year-old daughter.

2 Q. And they were making some threats towards you?

3 A. They busted out my window.

4 Q. And that was back in like March?

5 A. Yes.

6 Q. Okay. And I think you had mentioned that the day
7 that this happened and the day you went to the
8 hospital for the break-in, that was the day Cheyenne
9 Cole got arrested?

10 A. From what I understood.

11 Q. And you started getting harassing phone calls, right?

12 A. I did not.

13 Q. Who was getting harassing phone calls?

14 A. There was crap being sent around Facebook, from what
15 I was told.

16 Q. Okay. Was Don getting harassed?

17 A. No. He got a phone call.

18 Q. And it was from a guy, Christian Hughes?

19 A. Yes.

20 Q. Who is Christian Hughes?

21 A. Her boyfriend.

22 Q. Where does he live?

23 A. Down the street.

24 Q. A block? Two blocks?

25 A. A block towards Clark.

1 Q. And Cheyenne is his girlfriend, right?

2 A. Yes.

3 Q. Okay. So you understood Cheyenne Cole got arrested
4 that day?

5 A. I'm not positive.

6 Q. But it's possible?

7 A. It's possible.

8 Q. And Christian Hughes was threatening you or Don?

9 A. No, he was not threatening either one of us. He was
10 calling to get bond money.

11 Q. Okay. Was he asking why his girlfriend got arrested?

12 A. I don't know. I wasn't involved in the conversation.

13 Q. After Cheyenne Cole and the other people -- they
14 threw bottles through your window?

15 A. They threw a bottle at my window.

16 Q. Okay. And they broke the window?

17 A. Yes.

18 Q. Did they threaten to come back and shoot up the house
19 or something?

20 A. No.

21 Q. Okay. So as far as you know this was over, but there
22 was possibly some link to a Christian Hughes?

23 A. There was crap being said, again, on Facebook that I
24 was being -- it's hearsay. It was all rumors.

25 Q. Okay.

1 A. I don't get on Facebook. I don't have a Facebook
2 page and neither does Don and we do not -- it was
3 just stuff being said, so and so said this and so and
4 so. We don't know what was true and what was not.

5 Q. But you did get a call from Christian Hughes that
6 day?

7 A. Don did. And again, I did not get the phone call. I
8 was not with Don and I do not know what was said.

9 Q. Okay. But he would be a possible person that you
10 thought might be involved in retaliation?

11 A. I don't know.

12 Q. But you suspected that, right?

13 A. Well, anybody is a suspect when something like this
14 happens.

15 Q. Did the police ever ask you about Christian Hughes?

16 A. I mentioned it to them.

17 Q. Do you know if they ever investigated it?

18 A. I do not know.

19 Q. Okay. We noticed in some of the photographs that the
20 windows have, is it curtains on them?

21 A. Yes.

22 Q. Does it block a lot of light or does it let light
23 through?

24 A. Block them.

25 Q. Was it pretty dark in the room then?

1 A. Yes.

2 Q. But you were still able to see clearly enough the
3 people that were there that day?

4 A. Yes, because I had lights on.

5 Q. The lights were on inside the house?

6 A. Yes.

7 Q. Did you describe the weapon as silver or chrome?

8 A. No, I did not.

9 Q. You don't remember the color of it at all?

10 A. No, I do not. I've never seen it.

11 Q. Okay. So as far as you know you just basically got
12 blind sided on one side while you were sitting there?

13 A. Yes.

14 Q. And you don't remember the person saying anything?

15 A. No, I didn't hear anything. I was beaten in my head.
16 I did not hear anything.

17 Q. Did he take anything off the table nearby?

18 A. I do not know.

19 MR. HOFFMAN: Nothing further. Thank
20 you, your Honor.

21 THE COURT: Do you have any redirect?

22 MR. SCHROTH: Just real brief, Judge.
23 Thank you.

24 **REDIRECT EXAMINATION OF COLLEEN ALLUMS**

25 **BY MR. SCHROTH:**

1 Q. You used the phrase it was over as quick as it
2 started. What do you mean by that?

3 A. I was being hit and the next thing I knew I was
4 waking up bleeding.

5 Q. Okay. Can you fairly put a time on how long this
6 whole thing took at all?

7 A. Well, like I said, it was 5:15, 5:30ish when I was
8 aware of it starting and I was told that I was in the
9 emergency room of Metro Hospital by 6:39.

10 Q. Okay.

11 A. So that's the only reason I know of the time.

12 Q. Why do you say it was starting at 5:15? What makes
13 you say that?

14 A. The TV shows that I was watching.

15 Q. Oh, they were on between 5:00 and 5:30?

16 A. Yeah.

17 Q. Okay.

18 MR. SCHROTH: All right. Nothing
19 further.

20 THE COURT: Do you have anything
21 further?

22 MR. HOFFMAN: Nothing on that.

23 THE COURT: The Court does have just a
24 couple of clarifications. How did the boys or
25 the men get into your house, do you know?

1 THE WITNESS: I had my front door open
2 and just the screen door shut and they just
3 walked in.

4 THE COURT: Okay. And when they
5 walked in, did they make any demands?

6 THE WITNESS: I don't know.

7 THE COURT: You don't remember if they
8 said, get on the ground?

9 THE WITNESS: I don't know.

10 THE COURT: Okay. And at one point in
11 time you said the dogs came into the room?

12 THE WITNESS: I was unaware of my dogs
13 being -- my dogs were in my back bedroom. My
14 female that was killed is kind of a rough one so
15 we leave her put up when I have the door open
16 because I don't want her getting out.

17 So I had her in the back bedroom. It
18 was a rather decent day out. I had the front
19 door open because my son and my nephews were out
20 front playing basketball. And I did not know
21 that my dogs got out or that my dog was killed
22 until two days before I was released from the
23 hospital.

24 THE COURT: Were you aware that the
25 dog attacked one of the men in your living room?

1 THE WITNESS: Again, not until about
2 two days before I was released from the
3 hospital.

4 THE COURT: Okay. The Court has no
5 further inquiry.

6 MR. SCHROTH: No. Thank you, your
7 Honor.

8 THE COURT: Thank you very much for
9 taking the time to come down. You may step down
10 now.

11 Let's take a five-minute break. It is
12 a quarter till 4:00. We are going to finish
13 Zackary -- what is Zackary's last name?

14 MR. SCHROTH: Hale.

15 THE COURT: We'll do Zackary Hale and
16 then we'll break. Is that everyone's
17 understanding?

18 MR. SCHROTH: Yeah, that's ideal,
19 Judge.

20 THE COURT: All right. So let's take
21 a seven-minute break.

22 (Short recess taken.)

23 THE COURT: All right. We are back on
24 the record in the matter of Dalonte White, Case
25 No. DL 15105751. We took a short recess.

1 Prosecutor Schroth, you may call your
2 next witness.

3 MR. SCHROTH: Thank you, your Honor.
4 At this time the State will call Zackary Hale.

5 **ZACKARY HALE, Sworn.**

6 THE COURT: Hi, Zackary. I'm Judge
7 Rini. How are you today?

8 THE WITNESS: Good. How about you?

9 THE COURT: Tired of being here?

10 THE WITNESS: Yeah.

11 THE COURT: All right. Well, we're
12 almost done. You've never testified before, I
13 presume?

14 THE WITNESS: Huh?

15 THE COURT: Have you ever testified
16 before?

17 THE WITNESS: No.

18 THE COURT: No. Okay. First, we're
19 recording so you need to speak out loud.

20 THE WITNESS: All right.

21 THE COURT: Okay. Secondly, both
22 Prosecutor Schroth and then Attorney Hoffman are
23 going to ask you questions. If you hear the
24 word objection, stop talking and I will make a
25 ruling. Do you understand?

1 THE WITNESS: Yes.

2 THE COURT: If you don't know the
3 answer to a question, just say I don't know.
4 Okay?

5 THE WITNESS: Okay.

6 THE COURT: Do you want water or
7 anything?

8 THE WITNESS: No.

9 THE COURT: All right. You may begin.

10 **DIRECT EXAMINATION OF ZACKARY HALE**

11 **BY MR. SCHROTH:**

12 Q. Okay. Good afternoon. Zackary, can you please
13 introduce yourself to the Court, your first and last
14 name?

15 A. Zackary Hale.

16 Q. How do you spell your first name?

17 A. Z-a-c-k-a-r-y.

18 Q. How do you spell your last name?

19 A. H-a-l-e.

20 Q. Okay. You're doing a good job. I just need you to
21 make sure that you keep your voice up this whole
22 time. Okay?

23 A. All right.

24 Q. Deal. Zackary, do you know Savannah LaForce?

25 A. Yes.

1 Q. How do you know her?

2 A. That's my cousin.

3 Q. All right. How old are you?

4 A. Thirteen.

5 Q. What was it?

6 A. Thirteen.

7 Q. You're 13. Okay. And what grade in school are you?

8 A. Seventh in Orchard.

9 Q. Are you going into 7th?

10 A. Yes.

11 Q. Okay. Did you do anything at school, do you play any
12 sports or anything?

13 A. No.

14 Q. Okay. Savannah is your cousin. How do you know --
15 or do you know Colleen Allums?

16 A. Yes.

17 Q. How do you know her?

18 A. That's my aunt.

19 Q. All right. And have you ever been to your aunt's
20 house before?

21 A. Have I?

22 Q. Yeah. Have you been to Colleen's house before?

23 A. Yeah.

24 Q. Okay. I want to talk with you about April 21st of
25 2015. Do you remember that day?

1 A. April 21st?

2 Q. Yeah, April 21st.

3 A. No, not really.

4 Q. All right. Well, do you recall a day where something
5 happened at Colleen's house?

6 A. Oh, yeah.

7 Q. Okay. You yourself can't say it's April 21st, but do
8 you remember a day where it happened?

9 A. Yeah.

10 Q. All right. Do you know around what time things
11 happened at her house?

12 A. Around 6:00, 5:30, 6:00.

13 Q. 5:30, 6:00. In the morning or night?

14 A. Night.

15 Q. Okay. How soon did you arrive at Colleen's house
16 before things went down?

17 A. Like five minutes before.

18 Q. Okay. And when you arrived at Colleen's house, what
19 was going on before you went inside? What was
20 happening at the house?

21 A. My brothers and my cousins were playing basketball.

22 Q. All right. And where was that happening?

23 A. Outside.

24 Q. Okay. In the street?

25 A. Yeah.

1 Q. Is there like a hoop in the street or what's going
2 on, how are you playing basketball?

3 A. The hoop's in the street.

4 Q. Okay. Where is the hoop compared to Colleen's house?

5 A. It's right at the end of the driveway.

6 Q. Whose driveway?

7 A. Colleen's.

8 Q. All right. Now, who's outside with you? What are
9 their first names?

10 A. John, Alex and Roger.

11 Q. John, Alex and Roger. Now, they're playing
12 basketball, is that what you said?

13 A. Yeah.

14 Q. All right. Do you play basketball with them at all?

15 A. No.

16 Q. Okay. Why not?

17 A. Because I was going in to go see Colleen and get
18 something to drink and then I was coming out to play
19 basketball.

20 Q. So did you go in Colleen's house?

21 A. Yeah.

22 Q. Okay. Where is it that you entered Colleen's house?

23 A. The front door.

24 Q. Okay. How do you get to the front door?

25 A. The steps.

1 Q. Okay. Do the steps lead right up to the door?

2 A. Yeah.

3 Q. They do?

4 A. Well, you walk up the steps and you walk straight to
5 the door.

6 Q. Okay. If I showed you a picture of Colleen's house,
7 would you recognize it?

8 A. Yes.

9 MR. SCHROTH: Can I approach the
10 witness?

11 THE COURT: Yes.

12 Q. (BY MR. SCHROTH) Okay. I'm handing you what has
13 been marked as State's Exhibit 1. Does that look
14 familiar to you?

15 A. Yes.

16 Q. How is that familiar?

17 A. It's my aunt's house.

18 Q. Which aunt?

19 A. Colleen.

20 Q. All right. I'm just going to draw your attention to
21 the big screen up here. Does that look familiar?

22 A. Yes.

23 Q. Is that what's in front of you?

24 A. Yes.

25 Q. Okay. Does that show the door that you walked in?

1 A. Yes.

2 Q. All right. On the piece of paper in front of you,
3 can you hold it up for her Honor and for Mr. Hoffman
4 and point to where that door is, if you can show her
5 Honor and I will point on the screen.

6 THE COURT: Thank you.

7 Q. (BY MR. SCHROTH) Zackary, is this it right here, is
8 that the front door?

9 A. Yes.

10 Q. Okay. What's in front of it, what's this area right
11 here?

12 A. What area?

13 Q. Is there like a porch before you get to the door?

14 A. Yeah.

15 Q. Okay. So when you go in that door, where does it
16 lead you to?

17 A. The dining room.

18 Q. Okay. Now, when you went into the house, did you go
19 into the house with anybody?

20 A. Did I go in the house with anybody?

21 Q. Yeah.

22 A. I went like -- it was them, then me, and then they
23 shut the door.

24 Q. Did you make it into the house?

25 A. Yeah.

1 Q. All right. And was anyone in front of you when you
2 went in the house?

3 A. Was they in front of me?

4 Q. Well, yeah, did anybody go in the house before you?

5 A. No.

6 Q. Okay. So when you get to the door, is the door open
7 or closed?

8 A. The big door is open and the screen door is shut.

9 Q. All right. So did you have to open the screen door?

10 A. Yes.

11 Q. Okay. And did the screen door close behind you?

12 A. Yes.

13 Q. All right. And at that point when the screen door
14 closes behind you and you're in the house, at that
15 very moment is anyone else in the house with you?

16 A. No. They was -- Colleen was letting them in. When
17 it shut, then Colleen let them in.

18 Q. Colleen let who in?

19 A. Them.

20 Q. The people that Colleen let in, how many of them were
21 there?

22 A. Three.

23 Q. All right. You say Colleen let them in, what do you
24 mean she let them in?

25 A. They knocked on the door and she thought they was

1 neighborhood kids, I guess. I don't know.

2 Q. Okay. So what did she do?

3 A. Opened the door.

4 Q. So Colleen opened the door for them?

5 A. Yeah.

6 Q. Oh, okay. When they knocked on the door, did they
7 say anything?

8 A. I don't remember.

9 Q. All right. Do you remember if Colleen said anything?

10 A. I don't remember.

11 Q. Okay. How soon after you got in the house were they
12 knocking on the door?

13 A. Right after the door shut.

14 Q. So as soon as the door shuts, there's a knock on the
15 door, is that what you're saying?

16 A. The screen door, yeah.

17 Q. Yeah. Okay. Had you ever seen those guys before?

18 A. No.

19 Q. Okay. But Colleen let them in?

20 A. Yeah.

21 Q. All right. So what happens now?

22 A. She let them in and I walked in the -- she walked in
23 the living room and then she sat down on the couch
24 and I walked in the living room and sat down and he
25 pulled out the gun and said he wanted everything.

1 Q. Okay. Let's go through this. How many of them were
2 there?

3 A. Three.

4 Q. All right. How many of them are you able to describe
5 for us?

6 A. Two.

7 Q. Okay. Did any of them show any weapons at all?

8 A. Yeah, a gun.

9 Q. All right. How many of them showed a weapon?

10 A. One.

11 Q. All right. Are you able to give a description of
12 him?

13 A. You said give a description?

14 Q. Yeah. Are you able to describe for us what that
15 person looked like on that day?

16 A. He had kind of twisty dreads.

17 Q. In terms of the twisty dreads, do you remember
18 anything about their length?

19 A. They was like not that long.

20 Q. What do you mean by not that long?

21 A. Like right here (indicating).

22 Q. What you're indicating for the record, at your
23 eyebrows?

24 A. Yeah, like around there. Something like that.

25 Q. So did the twisties go down over his forehead?

1 A. Like down -- they went down a little bit, they wasn't
2 long though.

3 Q. Well, I need you to show me on you how long they
4 were, just so I understand.

5 A. I don't know exactly how long they were.

6 Q. All right. So you think they were shorter?

7 A. Yeah.

8 Q. Okay. But did they go this far down?

9 A. I don't even remember.

10 Q. You don't remember. Okay. They're shorter, but
11 you're not sure how far down they went, is that fair
12 to say?

13 A. Yeah.

14 Q. Did he have anything on his head at all that you
15 remember?

16 A. I think he had his hat on.

17 Q. You think he had a hat. Why do you say that?

18 A. Because I barely seen his face. But I seen his face,
19 but I barely seen it.

20 Q. What do you mean? Help me out. What part of his
21 face did you see?

22 A. His face right here (indicating). Around right here.

23 Q. All right. In terms of what you saw of his face,
24 start at the top, put your hand, like flatten it out
25 and hold your hand to where it is that you saw the

1 highest part of his face.

2 A. The highest part I seen was like come up to like
3 right here (indicating).

4 Q. Okay. So you're pointing to the top of where your
5 eyebrows are?

6 A. Yes.

7 Q. So my hand is a straight line right where my eyebrows
8 are, is that right?

9 A. I don't think it was that low down, the hat.

10 Q. You don't think it was this low down?

11 A. No.

12 Q. Do you think it was higher up?

13 A. I really don't remember.

14 Q. Okay. Is it fair to say that it was no lower than
15 his eyebrows?

16 A. Yeah.

17 Q. All right. Well, how do you know -- you described
18 his hair as like little twisties. How do you know he
19 had twisties if he had a hat on?

20 A. You could see like popping out the hat.

21 Q. All right. What kind of hat was it, do you know?

22 A. Hm-mm.

23 Q. I'm sorry. I didn't tell you. This young lady is
24 taking everything down. So if you and I were just
25 like having a conversation at the rec center, we

- 1 could mm-hmm and nod our heads, but since she's
2 writing everything down, she can't look at you.
3 She'll look at you sometimes, she just looked when I
4 said that. You have to say yes or no or maybe. You
5 actually have to say the word. Okay?
- 6 A. Okay.
- 7 Q. All right. So he has -- oh, you can't tell what kind
8 of hat it is, is that what you said, but you can see
9 hair and short twisties, is that right?
- 10 A. Yeah.
- 11 Q. All right. And the hat is no lower than his
12 eyebrows, right?
- 13 A. Yeah.
- 14 Q. Okay. Was there anything else blocking the gunman's
15 face at all besides that hat?
- 16 A. Blocking his face?
- 17 Q. Yeah. Did he have a mask on or anything, bandanna?
- 18 A. No.
- 19 Q. No. Okay. All right. What about -- could you see
20 what other clothing he had on?
- 21 A. Not really. I really didn't get a look at his
22 clothes. I didn't think to look at his clothes.
- 23 Q. Okay. All right. So you don't know what he had on
24 for a top?
- 25 A. Not really. I know he had a sweater.

1 Q. He had a sweater on?

2 A. Yeah.

3 Q. Why do you say that?

4 A. Because he had like a pocket right here and that's
5 where he pulled the gun out.

6 Q. Okay. You're kind of gesturing. Do that one more
7 time. Can you stand up and do that so everybody can
8 see it? I'm sorry.

9 A. He had like a pocket right here.

10 Q. It's a pocket that's across his stomach?

11 A. Yeah.

12 Q. All right. So you saw that. Could you tell anything
13 about the color of that sweater?

14 A. No.

15 Q. Could you tell was there any markings on the sweater
16 at all?

17 A. Not that I know of. I don't remember.

18 Q. Any symbols or anything?

19 A. I don't really remember.

20 Q. Okay. He pulled the gun out of it, is that what you
21 said?

22 A. Yeah.

23 Q. So you actually see him pull the gun?

24 A. Yes.

25 Q. What did the gun look like?

1 A. It was silver.

2 Q. Could you tell the type of gun, if it was like an
3 automatic or --

4 A. Revolver.

5 Q. It was a revolver. Okay. That's one person. Are
6 you able to describe at all the second person out of
7 the three?

8 A. Not really everything. I know he was Puerto Rican,
9 he looked Puerto Rican, light skinned. That's the
10 only thing I really remember about the second person.

11 Q. Anything about the Puerto Rican individual's dress?

12 A. No.

13 Q. Okay. Now, the third guy, did you get a look at him
14 at all?

15 A. No.

16 Q. All right. Do you remember anything that he was
17 wearing at all, any clothing?

18 A. Not really, no.

19 Q. Could you tell at all anything about his -- whether
20 he was white, black, Hispanic or Asian, if you know?
21 Don't guess.

22 A. Black.

23 Q. Why do you say he was black?

24 A. Because when I walked in the door I seen them when
25 they was walking up and I seen three people, two

1 black people and one Puerto Rican.

2 Q. So the first person with the gun, he was black as
3 well?

4 A. Yes.

5 Q. Okay. So when those three people come into the house
6 does anyone, do you or Colleen or any of them say
7 anything when you're first in that dining room? Is
8 there any conversation at all that you remember?

9 A. No.

10 Q. So where is it you go once this happens?

11 A. Huh?

12 Q. Where do you go after these guys come in the house?

13 A. Where do I go?

14 Q. Yeah. Do you stay in the dining room?

15 A. In the living room and sat down on that same couch
16 that Savannah was.

17 Q. All right. I'm going to show you what's been marked
18 as State's Exhibit 2. Does State's Exhibit 2, does
19 that look familiar?

20 A. Yes.

21 Q. How so?

22 A. It's Colleen's living room.

23 Q. All right. Anything familiar about that couch in
24 terms of that day?

25 A. It's the couch I was sitting on.

1 Q. All right. That's what's on the big screen, the same
2 picture?

3 A. Yes.

4 Q. All right. Can you see on State's Exhibit 2 where it
5 is you were seated and show it?

6 A. About in the middle.

7 Q. Can you hold it up for us? So just to make sure I'm
8 right, you're pointing right in the middle sort of
9 where the couch splits?

10 A. Yeah.

11 Q. Is this like a pillow or something right in front of
12 where you're seated, is that right?

13 A. Yeah.

14 Q. Okay. Where's Savannah?

15 A. She's at the end of the couch.

16 Q. All right. End closest to?

17 A. The doorway.

18 Q. Okay. So as I'm looking at the picture, State's
19 Exhibit 2, she's closest to me, she would be closest
20 to the bottom of State's Exhibit 2, is that right?

21 A. Yes.

22 Q. Okay. And where is Colleen at this time?

23 A. On the other couch.

24 Q. Okay. I'm going to show you State's 4. Does State's
25 4 look familiar?

1 A. Yes.

2 Q. All right. How is that familiar?

3 A. It's the couch Colleen was sitting on.

4 Q. Okay. And what's on the big screen, is that the same
5 as what you're looking at?

6 A. Yes.

7 Q. All right. Do you see on there where Colleen was
8 seated?

9 A. Yes, at the end.

10 Q. Can you hold it up and please show the Court? Okay.
11 On the far end. So you say like right down here, am
12 I pointing right?

13 A. Yes.

14 Q. The edge furthest away from where the photographer
15 would be standing on State's Exhibit 4?

16 A. Yes.

17 Q. Okay. So you guys go in and sit down. When you guys
18 do that, what do these three other individuals do?

19 A. The two stay at the curtain and one went to Colleen
20 and pulled the gun out.

21 Q. All right. Now, the two at the curtain, did they
22 come inside or did they stay on the outside of the
23 room?

24 A. The Puerto Rican dude does.

25 Q. Does what?

1 A. Comes in the curtain.

2 Q. Okay. One thing about these guys, when you're with
3 them in the dining room, are you able to tell their
4 heights compared to each other?

5 A. Height?

6 Q. Yeah, can you tell how tall these guys are?

7 A. The Puerto Rican dude, like he wasn't tall but he
8 wasn't short. He was like around five-five or
9 something around there.

10 Q. How tall are you?

11 A. Five-three.

12 Q. Okay. So he's a little bit taller than you. So the
13 Puerto Rican guy, how tall was he compared to the
14 other two guys? Shorter, same height or taller or
15 don't you know?

16 A. I don't know.

17 Q. Okay. Are you able to tell at all anything about the
18 height of the guy with the gun?

19 A. Not really.

20 Q. Okay. Do you know, was he taller than you?

21 A. Yes.

22 Q. Can you tell if he was taller than the Puerto Rican
23 guy, do you remember?

24 A. No, I don't remember.

25 Q. You don't remember. Okay. What about the third guy,

1 do you remember how tall he was compared to
2 everybody?

3 A. No.

4 Q. Okay.

5 A. When I walked in I seen him and he was taller than
6 the other two people.

7 Q. The third guy?

8 A. Yeah.

9 Q. He was the tallest of everybody?

10 A. Yes.

11 Q. You're shaking your head, is that a yes?

12 A. Yes.

13 Q. Okay. Back to where you were. You're on the couch
14 with Savannah, Colleen is on another couch and which
15 guy goes up to Colleen?

16 A. The one with the gun.

17 Q. What does he look like?

18 A. The one with the dreads.

19 Q. The guy with the dreads goes up -- does he say
20 anything at all?

21 A. He said I want everything.

22 Q. He said I want everything?

23 A. Yes.

24 Q. What did you take that to mean?

25 A. I didn't know what anything -- I don't know.

1 Q. Okay. Well, what did you think was happening at that
2 point in time?

3 A. When I seen him pull out the gun and then hit Colleen
4 I knew what was going -- I already knew what was
5 happening when he hit Colleen.

6 Q. What?

7 A. With the gun. I already knew he was robbing us.
8 Well, trying. I don't know.

9 Q. All right. So when he said I want everything, did
10 Colleen get a chance to respond at all?

11 A. No.

12 Q. So what does he do?

13 A. Hit her with the gun.

14 Q. Okay. Where?

15 A. In the head.

16 Q. So when he hits her in the head with the gun, what
17 are the other two guys doing?

18 A. I don't know.

19 Q. What are you focused on at that point in time?

20 A. I was focused on seeing if Colleen was all right.

21 Q. So she gets hit in the head, what do you do,
22 anything?

23 A. No. I just sat there.

24 Q. All right. So what happens next?

25 A. He got on top of her and started beating her.

1 Q. Okay. And then what happens?

2 A. The dogs come out.

3 Q. All right. What dogs? How many dogs?

4 A. There's a puppy, the grown one, the old dog and
5 there's another puppy.

6 Q. Two puppies and a grown dog?

7 A. Mm-hmm.

8 Q. Is that a yes?

9 A. Yes.

10 Q. All right. So what do they do? What happens with
11 the dogs, what do they do?

12 A. They attacked his foot.

13 Q. Okay. How many of them attack his foot?

14 A. One.

15 Q. Do you see it happen?

16 A. Yes.

17 Q. How is it they attack his foot, what do they do?

18 A. They just grabbed his foot. And when the dogs
19 grabbed his foot he said, get the dogs and then he
20 just started shooting.

21 Q. Okay. So the dog grabs his foot and he says, get the
22 dogs, is that right?

23 A. Yes.

24 Q. And then starts shooting?

25 A. Or he said, get the dogs before I kill him or

1 something like that and started shooting.

2 Q. All right. So what happens at this point? He starts
3 shooting, what happens?

4 A. The two other people left, ran out the door.

5 Q. Okay. And now what?

6 A. When they ran, me and Savannah ran.

7 Q. All right. Did you actually see him shooting?

8 A. Yes.

9 Q. You did. Do you know how many times that you saw him
10 shoot?

11 A. No.

12 Q. Okay. Did you see him hit anything?

13 A. Hit anything?

14 Q. Yeah. Did he hit you?

15 A. No.

16 Q. Did you see if he hit Savannah?

17 A. No.

18 Q. Did you see if he hit any of the dogs?

19 A. No.

20 Q. Did you see if he hit Colleen?

21 A. With the gun, yeah.

22 Q. I'm sorry. Shooting wise with a bullet?

23 A. No.

24 Q. All right. Did you see if he hit himself?

25 A. No.

1 Q. So you're not sure?

2 A. I'm not sure.

3 Q. How long after the dog is on his foot is he shooting?
4 How much time does it take for him to start shooting?

5 A. Really not that long. They came in and Missy grabbed
6 his foot and he said, get the dogs before I start
7 shooting or I mean, kill him and I started yelling
8 for the dog and he just started shooting.

9 Q. All right. So how long are you in that room when he
10 starts shooting?

11 A. How long was I in the room?

12 Q. Yeah, how long did you stay in that room when he
13 starts shooting?

14 A. How long was I in there?

15 Q. Yeah.

16 A. Not even like five minutes.

17 Q. You were in there for five minutes while he was
18 shooting?

19 A. Something like that. I don't remember.

20 Q. Okay. Did you see what part of his foot the dog was
21 on?

22 A. No.

23 Q. Okay. So you don't know if it was his sneaker or his
24 pants or his ankle?

25 A. No.

1 Q. Okay. Do you remember which foot it was, if it was
2 his right foot or left foot, if you remember?

3 A. No.

4 Q. All right. So this entire time that this happens in
5 the living room, did the other two guys, the
6 non-gunmen ever say a word, that you remember?

7 A. The Puerto Rican did.

8 Q. Oh yeah. What did he say?

9 A. He asked -- he was asking where is the stuff too and
10 I told him I don't know what he was talking about.

11 THE COURT: I'm sorry. I didn't hear
12 that.

13 (Answer read back by reporter.)

14 THE COURT: Thank you.

15 Q. (BY MR. SCHROTH) And was this before or after the
16 dogs came in the room?

17 A. This was before.

18 Q. Was it before or after, if you remember, the guy with
19 the gun started pistol whipping Colleen?

20 A. It was -- I don't remember.

21 Q. Okay. All right. And then once those other guys --
22 am I understanding you correctly, once those other
23 two guys run out of the room, you and Savannah run
24 out of the room?

25 A. Yeah, and out the door.

1 Q. Of the three guys that were in the living room, in
2 the house that day, do you see any of them in Court
3 today?

4 A. Yes.

5 Q. You do. What role did that person play of the guy
6 you see in Court?

7 A. The one with the gun.

8 Q. Okay. Can you just point to where that person is and
9 I need you to describe what that person is wearing.
10 Can you do that?

11 A. Blue and orange.

12 Q. Orange what? What's blue and what's orange?

13 A. Orange is the undershirt.

14 MR. SCHROTH: Judge, I'd ask that the
15 record reflect that the witness has identified
16 the alleged delinquent.

17 THE COURT: So identified.

18 Q. (BY MR. SCHROTH) And what about the person that you
19 just pointed to -- why do you say that's the same
20 person, what makes you say that's the same person?

21 A. Because I seen a little bit of his face.

22 Q. You saw a little bit?

23 A. Yeah.

24 Q. What part? What do you mean by a little bit?

25 A. I told you what I seen.

1 Q. From the eyebrows down?

2 A. Yeah.

3 Q. Okay. So after you ran out of the house, where did
4 you go?

5 A. To my uncle's house.

6 Q. Okay. Did you go back to Colleen's at all that day?

7 A. Yeah.

8 Q. All right. How much time went by before you went
9 back to Colleen's?

10 A. Like 30 minutes.

11 Q. Okay. And when you went back there, was Colleen
12 there?

13 A. No.

14 Q. Was there any police there?

15 A. Yes.

16 Q. Did you talk to them?

17 A. Did I talk?

18 Q. Yeah. Did you talk to the cops?

19 A. Yeah.

20 Q. Did you tell them what happened?

21 A. Yeah.

22 Q. Okay. Did you talk to police again after that day?

23 A. Yes.

24 Q. All right. Where'd that happen?

25 A. My house.

1 Q. And who was home when the cops came?

2 A. My mom.

3 Q. Anyone else there?

4 A. No.

5 Q. Okay. Did anything happen when the cops were there
6 when they came by your house? Did they do anything
7 with you?

8 A. Showed me pictures.

9 Q. All right. Did anybody in any of those pictures look
10 familiar?

11 A. The one at my house?

12 Q. Yeah, at your house.

13 A. Yeah.

14 Q. Okay. How many people looked familiar?

15 A. One.

16 Q. Okay. What did that person do?

17 A. It was the one with the gun.

18 Q. Okay. I'm going to show you State's Exhibit 76, 79
19 and 82.

20 THE COURT: What are the numbers
21 again? I'm sorry.

22 MR. SCHROTH: I'm sorry. There's 76,
23 79 and 82.

24 Q. (BY MR. SCHROTH) Okay. Zack, I'm handing you
25 State's Exhibit 76. Does that look familiar?

1 A. Yes.

2 Q. How?

3 A. It's one of the lineups I seen.

4 Q. Okay. Is that what we're looking at on the screen up
5 here?

6 A. Yes.

7 Q. All right. Did you pick anybody out?

8 A. No.

9 Q. Why?

10 A. I didn't recognize nobody.

11 Q. State's 79. Does that look familiar?

12 A. Yes.

13 Q. How?

14 A. It's a lineup that I picked out of.

15 Q. Okay. Is that what we're looking at on the big
16 screen?

17 A. Yes.

18 Q. And it's a lineup you picked out of, is that what you
19 said?

20 A. I picked a person out of this lineup.

21 Q. Could you hold it up for the Court and show who you
22 picked?

23 A. (Indicating.)

24 Q. So on State's 79 you're pointing to the person in the
25 upper right corner?

1 A. Yes.

2 Q. Did you make any markings on the paper?

3 A. Circled it.

4 Q. And did you do anything else to it?

5 A. Wrote the date.

6 Q. What date?

7 A. 4/23/15.

8 Q. Okay. Now, why did you circle this person in the
9 upper right corner on State's Exhibit 79?

10 A. Because I recognized him.

11 Q. Okay. How did you recognize him?

12 A. He looks like the person that shot Colleen.

13 Q. That what?

14 A. Shot Colleen.

15 Q. That shot Colleen?

16 A. Yes.

17 Q. Did you see him actually shoot Colleen?

18 A. No.

19 Q. Okay. So what did you actually see this person
20 doing?

21 A. Hitting -- beating Colleen.

22 Q. All right. And did he have any weapons?

23 A. A gun.

24 Q. Okay. And I'm showing you what's been marked as
25 State's 82. Is that what we see on the big screen?

1 A. Yes.

2 Q. All right. And does State's 82 look familiar to you?

3 A. Yes.

4 Q. How is that familiar?

5 A. It's one of the lineups I looked at.

6 Q. Anybody look familiar in that?

7 A. No.

8 Q. Okay. All right. Now, when you looked at these
9 pictures on the 23rd of April, do you know if anyone
10 else had looked at pictures before you did? When you
11 look at the photographs, were you aware if anyone had
12 ever looked at photographs at all before you?

13 A. Not before. I knew Savannah was looking at a photo
14 lineup when I was.

15 Q. At the same time?

16 A. Yeah, but in different rooms.

17 Q. So Savannah was in the house?

18 A. Yeah, and I was in the hallway.

19 Q. Oh. So it was more than just you and your mom?

20 A. Oh, I thought you was talking about -- we live in
21 separate houses.

22 Q. Let me back up. When you looked at these photo
23 arrays here, State's 76, 79 and 82, was Savannah in
24 the same house as you were?

25 A. Was she in the same house as me?

1 Q. Yeah. When it's you and the police and they're
2 showing you these pictures, was Savannah in that same
3 house with you?

4 A. No. I think she went out to the car.

5 Q. Okay. All right. When you looked at the pictures,
6 Savannah was not with you?

7 A. No.

8 Q. All right. Was she in the same kind of general area
9 as you?

10 A. Yeah.

11 Q. Okay. As you were looking at those exhibits, State's
12 82, 79 and 76, I believe, did you know if Savannah
13 had circled anybody?

14 A. No.

15 Q. Okay. Now, did there ever come a time when you met
16 with police again?

17 A. Yeah.

18 Q. And where was that at?

19 A. The police station.

20 Q. Okay. Do you remember when that was?

21 A. I don't know what day it was.

22 Q. Okay. Who did you go down to the police station
23 with?

24 A. My mom, Savannah and Savannah's mom.

25 Q. Okay. And what happened when you got to the police

1 station?

2 A. We looked at lineups.

3 Q. Okay. Give me an overview of how it is you looked at
4 the lineups, where was Savannah and Colleen while you
5 looked at your lineup?

6 A. With somebody different. I don't know who they was,
7 though.

8 Q. Okay. Were you guys in the same room?

9 A. No.

10 Q. Okay. And did you pick anybody out at that time?

11 A. I think I picked one person out of one of those.

12 Q. I'm going to show you State's 88 and 85. All right.
13 I'm handing you State's Exhibit 85. Does that look
14 familiar?

15 A. Yes.

16 Q. All right. How is that familiar?

17 A. It was one of the lineups I looked at.

18 Q. Okay. Did you mark anybody?

19 A. Yes.

20 Q. So as we look at State's 85, point to me, show me
21 which one it is? Top middle, top row middle 33013 on
22 State's 85. Why did you pick that guy out?

23 A. I think this was -- oh, yeah. I told them that was a
24 mistake. I forgot who was with me when I looked at
25 these ones.

1 Q. So you think that was a mistake when you circled
2 that?

3 A. Yes.

4 Q. Okay. Who did you think you were picking out?

5 A. The one with the gun.

6 Q. Okay. Here is State's 88. Does that look familiar?

7 A. Yes.

8 Q. Okay. And did you make an identification on 88 too?

9 A. Yes.

10 Q. All right. Which one did you pick out?

11 A. The third one on the top row.

12 Q. Top row all the way to the right on State's 88,

13 85-02-8? Zack, is that right?

14 A. Yes.

15 Q. Okay. So why did you pick him out?

16 A. Because it kind of looked like the guy that shot

17 Colleen.

18 Q. Okay. Let me ask you this. As you look at those two

19 Exhibit's 85 and 88, are either of those guys that

20 you circled people from the home invasion with

21 Colleen?

22 A. What'd you say again?

23 Q. You circled two guys back -- I think there's a date

24 May 13th, does that look right?

25 A. Yes.

1 Q. Okay. Are either of those two guys -- I mean, what
2 role did those guys play, I guess, why did you circle
3 them?

4 A. I circled the one on 85 because that's the first
5 picture I seen that looked like the one that shot
6 Colleen. That kind of looks like him.

7 Q. Okay.

8 A. The cop said pick out somebody if you recognize him,
9 if you think it's him or not. If you recognize him.

10 Q. Okay. And you circled him because you thought he
11 might have been the guy who shot Colleen?

12 A. Yes.

13 Q. Okay. I guess you didn't see the shooting, to be
14 fair. That had the gun. And then you circled
15 someone on 88, why did you circle that guy?

16 A. Because it looked like the guy that shot Colleen.

17 Q. Okay. So he looks like the same person too?

18 A. This looks more like him.

19 Q. What number that you're looking at?

20 A. On 88.

21 Q. Looks more like who?

22 A. The one that shot Colleen.

23 Q. Okay. So as you look at it -- as you looked at it on
24 that day on May 13th, 2015, were you circling the
25 person that shot Colleen?

1 A. What did you say?

2 Q. Back when you looked at these, it was May 13th.

3 Okay. Were you circling a person that you thought
4 had the gun that day?

5 A. Yes.

6 Q. Okay. And do you still feel that way, that that
7 person looks like the person that had the gun that
8 day?

9 A. It's between that one and the other one in the
10 lineup.

11 Q. Which one?

12 A. I don't know what number it is. The one we just went
13 over.

14 Q. Is it 85 or a different one?

15 A. No, it's not on 85.

16 Q. I'm going to hand you 76, 79 and 82. Which one are
17 you referring to?

18 A. This one.

19 Q. What number is that?

20 A. 79.

21 Q. Okay. And what about 79 and 88?

22 A. They look familiar. They look like the same people,
23 but like -- because he said the picture could be now
24 or could be back a long time ago.

25 Q. Okay. Appearance may change, things like that?

1 A. Yeah.

2 Q. All right. So you were given instructions before you
3 looked at the arrays, before you looked at pictures?

4 A. Yeah.

5 Q. Okay. So as you look at State's Exhibits 79 and 88,
6 do you think those are the same people, different
7 people, what do you think? There's no right or wrong
8 answer. Just what you think.

9 A. No, I don't think so. No.

10 Q. You don't think what?

11 A. They're the same people.

12 Q. Okay. Do they both resemble the person that had the
13 gun that day?

14 A. Yes.

15 Q. So as you look at those Exhibits 79 and 88, correct
16 me if I'm wrong, it could be either one of the people
17 in those photos, is that what you're saying?

18 A. Yes.

19 Q. Okay. So then what about State's Exhibit 85, does
20 that look at all like anyone who was in the house the
21 day of the crime, the robbery?

22 A. No.

23 Q. Okay. So for you it's between State's Exhibit 79 and
24 State's Exhibit 88?

25 A. Yes.

1 Q. Okay. Was anything taken from you at all that day?

2 A. No.

3 Q. Okay.

4 MR. SCHROTH: Can I have just a
5 moment, Judge?

6 THE COURT: Yes.

7 MR. SCHROTH: All right. Thanks,
8 Judge. Nothing further.

9 THE COURT: Okay. Attorney Hoffman,
10 do you have any questions for this witness?

11 MR. HOFFMAN: Thank you, your Honor.

12 **CROSS-EXAMINATION OF ZACKARY HALE**

13 **BY MR. HOFFMAN:**

14 Q. Zackary, my name's Brian Hoffman. I'm with the
15 Public Defender's Office and I represent Dalonte.
16 I'm going to ask you a few follow-up questions.
17 Okay?

18 A. Okay.

19 Q. You were talking about on the photo arrays you've
20 kind of picked out three people with pretty much the
21 same hair style in those photo arrays, right?

22 A. Yes.

23 Q. It's kind of like short dread hanging down almost to
24 eyebrow length?

25 A. Yes.

1 Q. And when you saw the guy that night, you saw the
2 dreads hanging down?

3 A. Yeah, a little bit of them.

4 Q. Okay. And you said you got a look at his face, but
5 not really a great look, right, it was just kind of
6 quick?

7 A. Yes.

8 Q. And because he had a hat on and there was a lot of
9 movement going on?

10 A. A lot of movement going on.

11 Q. Yeah. Like people were moving around a lot and
12 fighting and stuff like that?

13 A. Yeah.

14 Q. All right. And then at some point Colleen's dog goes
15 in and starts biting the guy, right?

16 A. Yeah.

17 Q. Was it one of the younger dogs or was it the older
18 dog?

19 A. The older dog.

20 Q. Okay. Was it Missy?

21 A. Yeah.

22 Q. Missy starts grabbing his leg and starts biting him.
23 Do you remember which leg it was?

24 A. No.

25 Q. Was it kind of both legs or you can't tell?

1 A. I know she attacked his leg, but I really don't
2 remember what leg it was.

3 Q. Do you know, did the dog have a hold of like the
4 meaty part of his leg or was it just the pants and
5 kind of holding him like this?

6 A. I don't really remember.

7 Q. Okay. So all you know is the dog got on there
8 somehow and that was it?

9 A. Yeah.

10 Q. Okay. Missy got on pretty good, though, onto his
11 leg?

12 A. I don't know. I was worrying about calling for her.

13 Q. Okay. So you were calling her back?

14 A. Yeah. I was trying to get her to come to me.

15 Q. Oh, okay. And then did he start shooting before she
16 started biting him or after?

17 A. I think he started shooting I think when Missy bit
18 him.

19 Q. Okay. So he really notices and then he starts?

20 A. Yeah.

21 Q. Does he just start spraying back, like shooting
22 everywhere?

23 A. I don't think so because I didn't hear that many
24 shots.

25 Q. How many shots did you hear?

1 A. A couple, two.

2 Q. Okay.

3 A. Somewhere around there.

4 Q. Okay. So you hear a couple shots and was he aiming
5 at the dogs?

6 A. Somewhere around there. Around the couch where the
7 dog was.

8 Q. Okay. And at that point Missy was already on his
9 leg?

10 A. I don't remember. I think she was off. I don't
11 remember if she was on or off when he started
12 shooting.

13 Q. Okay. But near his leg at least?

14 A. Yeah.

15 Q. Okay. Now, when you were doing the photo arrays, I
16 think the first one you did use percentages of how
17 sure you were, do you remember doing that?

18 A. Yes.

19 Q. So in Exhibit 79 on this one you indicated that you
20 were about 70% sure that that was the guy?

21 A. Yes.

22 Q. And then later when you saw the fourth one in State's
23 Exhibit 85, the top middle guy, you said you were
24 about 80% sure?

25 A. Yes, but it was a mistake.

1 Q. So you said that was a mistake. Why do you say it
2 was a mistake? Because you don't think that guy
3 looked enough like the shooter?

4 A. Yeah.

5 Q. All right. Did you think he was one of the other
6 guys or you thought he kind of looked like the
7 shooter?

8 A. He kind of looked like the shooter because the
9 dreads.

10 Q. His hair kind of fits him?

11 A. Yeah.

12 Q. Okay. So he looked most like the shooter out of that
13 set?

14 A. Yes.

15 Q. Okay.

16 A. When I first seen that picture, yes.

17 Q. Okay. And then kind of the same thing then in the
18 last one, you said you were about 90% sure and this
19 was State's Exhibit 88 and you identified the top
20 right guy, right?

21 A. Yes.

22 Q. And so you were about 90%. So you thought the person
23 in No. 88 looked the most like the shooter?

24 A. Yeah, when I seen that picture.

25 Q. Okay. And so today you're kind of in between those

1 two that -- I think it was 79 and 88, right?

2 A. Yeah.

3 Q. Okay. The detective didn't tell you anything
4 about -- they just said, hey, here's the lineup, you
5 pick someone out?

6 A. No. They just said --

7 Q. If you recognize someone, pick someone out?

8 A. Yeah. If you think it's him, then pick him out.

9 Q. Okay. And so you said, hey, that guy looks like him
10 and that guy looks like him?

11 A. Yeah.

12 Q. Okay. From the time the guys were let into the
13 house, did they start attacking Colleen almost right
14 away?

15 A. When they got in the living room.

16 Q. Do you know what they took from the house?

17 A. No.

18 Q. But they didn't take anything from you?

19 A. No.

20 Q. From the time the guys started attacking Colleen
21 until the time you ran out, was it like one, two
22 minutes?

23 A. About two minutes.

24 Q. So it happened pretty quick?

25 A. Yeah.

1 Q. All right. And then as soon as the shots started
2 firing, the other two guys, they kind of booked it
3 out of there?

4 A. Yeah.

5 Q. And as soon as they left you decided, hey, let's get
6 out of here and call the police?

7 A. Yeah, because he was shooting at the dogs and I knew
8 he was focused on the dogs, so I had my time to run
9 out.

10 Q. Okay. And you ran out and where did you run?

11 A. To my uncle's house.

12 Q. To your uncle's house?

13 A. Yes.

14 Q. How far away does your uncle live?

15 A. He lived down Clark.

16 Q. Okay. So you and Savannah kind of split directions?

17 A. Yeah. She went one way and I went the other way.

18 Q. Okay. When you got to your uncle's house, did you
19 call the police or anything?

20 A. No, because they said they was already called.

21 Q. Who said?

22 A. My grandma. She was there when I got there.

23 Q. At your uncle's?

24 A. Yeah. And my uncle was on his way down to Colleen's.

25 Q. Okay. By the time you even can get to your uncle's,

1 the police are already there, the ambulance is
2 already there, everything is going on?

3 A. Yeah.

4 Q. How long of a period of time is that, a couple
5 minutes?

6 A. Me getting to my uncle's?

7 Q. Yeah.

8 A. About two minutes because I ran the whole time.

9 Q. Okay. And so within that two minutes the police and
10 the ambulance were already on scene?

11 A. I think the ambulance was there.

12 Q. Okay. The police maybe not yet?

13 A. No, not yet.

14 Q. Okay.

15 MR. HOFFMAN: Nothing further. Thank
16 you, your Honor.

17 THE COURT: Any redirect?

18 MR. SCHROTH: No. Thank you, Judge.

19 THE COURT: I just have two quick
20 questions. After you heard the shots, did you
21 hear the guy with the dreads scream at all?

22 THE WITNESS: No.

23 THE COURT: Did you hear him say
24 anything at all?

25 THE WITNESS: No. I don't remember.

1 THE COURT: And you said you were
2 outside playing with your cousins before this
3 all happened?

4 THE WITNESS: I walked up and when I
5 walked up because I was walking from home to my
6 uncle's and --

7 THE COURT: Before this happened where
8 were you?

9 THE WITNESS: Home.

10 THE COURT: And where is that?

11 THE WITNESS: Down the street.

12 THE COURT: How far down the street?

13 Five houses? Ten houses?

14 THE WITNESS: Like about fifteen
15 houses down.

16 THE COURT: So you walked fifteen
17 houses to Colleen's house?

18 THE WITNESS: Yes.

19 THE COURT: Okay. And did you happen
20 to see anybody outside?

21 THE WITNESS: Outside when I showed
22 up?

23 THE COURT: Before you went in
24 Colleen's house, yes.

25 THE WITNESS: Yeah, I seen three

1 people walking.

2 THE COURT: You saw three people
3 walking?

4 THE WITNESS: Yeah.

5 THE COURT: Was it the same three
6 people that came into Colleen's house?

7 THE WITNESS: Yes.

8 THE COURT: Which way were they
9 walking?

10 THE WITNESS: They was coming from the
11 alley -- they came from the alley and they was
12 in the street and then turned down Colleen's
13 street.

14 THE COURT: Have you ever seen those
15 three people in the neighborhood before?

16 THE WITNESS: No.

17 THE COURT: Okay. Do you have any
18 inquiry based on the Court's questions?

19 THE WITNESS: No.

20 MR. SCHROTH: Neither do I, Judge.

21 THE COURT: Attorney Hoffman?

22 MR. HOFFMAN: No, not at this time.

23 THE COURT: All right. Let the record
24 reflect -- ma'am, what is your name?

25 MS. HALE: Rochelle Hale.

1 THE COURT: And how are you related to
2 Zackary?

3 MS. HALE: I'm his mother.

4 THE COURT: All right. So let the
5 record show that Zackary's mother has been in
6 the room at the same time he was testifying. I
7 apologize. I forgot to have you introduce
8 yourself when you came in.

9 All right. Zackary, you did a great
10 job. Thank you very much. You can step down.
11 Do we have anything before we go off the record?

12 MR. SCHROTH: Not for the State,
13 Judge.

14 MR. HOFFMAN: I don't think so, your
15 Honor.

16 THE COURT: All right. So we are off
17 the record.

18 (Hearing in recess.)
19
20
21
22
23
24
25

C E R T I F I C A T E

I, Dawn M. Peck, a stenographic reporter, do hereby certify that I attended the foregoing proceedings in their entirety; that I wrote the same in Stenotype, which was subsequently transcribed into typewriting by means of computer-aided transcription under my direction; and that the foregoing Transcript of Proceedings is a true and correct transcript of my Stenotype notes.

Signed this 13th day of October, 2015.

Dawn M. Peck
Mizanin Reporting Service, Inc.
5755 Granger Road
335 Independence Tower
Independence, OH 44131

THE STATE OF OHIO,)
) SS: DENISE N. RINI, J.
COUNTY OF CUYAHOGA.)

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION

In the matter of:)
)
DALONTE WHITE) Case No. DL 15105751
)
) **VOLUME 2 of 3**

- - -

Continued audio-recorded hearing held before
Judge Denise N. Rini at the Cuyahoga County Juvenile
Court, 9300 Quincy Avenue, Cleveland, Ohio, on
Tuesday, July 21, 2015, commencing at 11:01 a.m.

- - -

1 APPEARANCES:

2 Norman Schroth, Assistant Prosecuting Attorney,
3 on behalf of the State of Ohio.

4 Brian Hoffman, Assistant Public Defender,
5 on behalf of Juvenile, Dalonte White.

6 John H. Lawson, Esq.,
7 Guardian ad Litem for Juvenile, Dalonte White.

8
9
10 ALSO PRESENT:

11 Dalonte White, Juvenile.

12 Alexandria Chandler, mother.

13 David Lam, Detective.

14
15
16 - - -
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESS

STATE'S: Page

EDWARD BUNCH

Direct Examination by Mr. Schroth.	209
Cross-examination by Mr. Hoffman	240
Redirect Examination by Mr. Schroth	252
Recross-examination by Mr. Hoffman	257
Further Redirect Examination by Mr. Schroth.	259
Further Recross-examination by Mr. Hoffman.	260

- - -

OBJECTIONS:

By Mr. Schroth.	248
By Mr. Hoffman.	259

- - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PROCEEDINGS

JUDGE DENISE N. RINI: All right. We are here in the matter of Dalonte White. We are resuming the probable cause hearing that was heard last week. The Case Number is DL 15105751.

So beginning with Dalonte, say your name for the record, please.

DALONTE WHITE: Dalonte White.

MR. LAWSON: John Lawson, Guardian ad Litem.

MR. HOFFMAN: Brian Hoffman, attorney for Dalonte White.

MR. SCHROTH: Norm Schroth for the State of Ohio.

DETECTIVE LAM: Detective Lam with the Cleveland P.D.

THE COURT: All right. We have in the courtroom Edward Bunch, who is a witness that was transported from County Jail, and he is on the witness stand, so we may swear him in.

EDWARD BUNCH, sworn.

THE COURT: All right. Is there anything preliminary that we have to deal with, Prosecutor Schroth?

1 MR. SCHROTH: I talked to Mr. Bunch.
2 He's not charged in this case with anything, but
3 he is testifying as a witness for the State of
4 Ohio.

5 I did instruct -- I told Mr. Bunch I
6 don't want him to talk at all about his case.
7 He's obviously in a case, okay, and I instructed
8 him that he's not to talk about that at all
9 under any circumstances because it's a pending
10 case and he has counsel in that case. And so I
11 don't want to know about it and the Court
12 doesn't need to know about it.

13 And I told him you're going to -- he
14 was Mirandized before he talked to Detective
15 Lam. I told him he was going to be Mirandized
16 again when he testifies. That's all. So I
17 would just ask the Court to do that.

18 THE COURT: Has anyone spoken to his
19 attorney?

20 MR. SCHROTH: No, because he's not
21 charged in this, and that's a completely
22 different matter.

23 THE COURT: I understand it's a
24 completely different matter. I just wanted to
25 know, Mr. Bunch, who are your attorneys

1 downtown?

2 THE WITNESS: Michael L. Moore.

3 THE COURT: Did you tell him that you
4 were going to come here and testify?

5 THE WITNESS: I didn't know I was
6 coming.

7 THE COURT: Okay. All right. Well,
8 what we will do is, what I want you to
9 understand is anything that has to do with your
10 pending case, if they ask you any questions
11 about it, just say -- don't even answer, okay?

12 All right. You wanted me to Mirandize
13 him?

14 MR. SCHROTH: Yeah. I mean, he is
15 compelled to testify, so he has a right not to
16 talk. He doesn't have to talk if he doesn't
17 want to, so I would just ask the Court just to
18 do that.

19 I don't know if the Court knows the
20 Miranda -- Lam does. He knows the Miranda
21 warnings by heart.

22 THE COURT: That you have a right to
23 remain silent?

24 MR. SCHROTH: Yeah.

25 THE COURT: Anything you say can and

1 will be used against you in a Court of law.

2 MR. SCHROTH: Okay, Judge. Your
3 Honor, you're showing off.

4 (Laughter.)

5 THE COURT: So, Mr. Bunch, here's what
6 I want you to understand. You know when the
7 police arrest you, what is the first thing they
8 say? You have a right to remain silent.

9 THE WITNESS: Yes.

10 THE COURT: So you have that right to
11 remain silent in the courtroom. Anything you
12 say can and will be used against you in not only
13 this Court of law, but possibly a Court of law
14 downtown or any other Court of law. Do you
15 understand?

16 You have a right to have an attorney
17 present for every part of your testimony. Do
18 you understand that?

19 THE WITNESS: Yes.

20 THE COURT: So anything missed?

21 MR. SCHROTH: I wanted to -- can you
22 make sure he understands he's not to talk about
23 his current case?

24 THE COURT: You understood that,
25 right?

1 MR. SCHROTH: Yeah, I know. I just
2 want to make sure he -- I just want him to
3 acknowledge that -- he's nodding just for the
4 record -- that he knows he's not to talk about
5 his current case.

6 THE COURT: Yes. You understand that
7 you are not permitted to speak about your case
8 at all?

9 THE WITNESS: Um-hmm.

10 THE COURT: The current one. Yes?
11 You have to answer verbally. We're recording.

12 THE WITNESS: Yes.

13 THE COURT: Where is the court
14 reporter?

15 So are you ready to proceed?

16 THE WITNESS: Yes.

17 THE COURT: All right.

18 MR. SCHROTH: Okay.

19 **DIRECT EXAMINATION OF EDWARD BUNCH**

20 **BY MR. SCHROTH:**

21 Q. Mr. Bunch, I'm Norm Schroth, the Prosecutor. We just
22 talked for a minute back there in the cell waiting to
23 testify. You remember that?

24 A. Yes.

25 Q. And, you know, when you're talking to people normally

1 you can bow your head or whatever, but this is a
2 Court hearing so they're recording things, so you
3 have to say like yes or no or whatever, okay?

4 All right. I wanted to talk about the day that
5 you were shot in your -- what was it, your right
6 ankle?

7 A. Right.

8 Q. Okay. Do you remember that day?

9 A. Yes.

10 Q. Okay. Do you remember what time, around what time
11 you were shot at?

12 A. No.

13 Q. Okay. Do you know if it was daylight or if it was
14 dark out?

15 A. Daylight.

16 Q. It was daylight. Okay. Do you remember where you
17 were coming from when you were shot?

18 A. My brother's house.

19 Q. Your brother's house. Okay. I don't want you to
20 describe the address, but what street does your
21 brother live on?

22 A. 95th.

23 Q. What are the two cross streets between?

24 A. What you mean?

25 Q. 95th and what?

1 A. He live on 95th and Detroit.

2 Q. 95th and Detroit?

3 A. Yeah.

4 Q. All right. So he's still in Cleveland? That's
5 Cleveland?

6 A. Yeah.

7 Q. And were you at your brother's house by yourself or
8 with someone else?

9 A. I was by myself locking up. I was about to go home.

10 Q. Okay. Who was at your brother's house when you were
11 there?

12 A. A friend of mine.

13 Q. Okay. Was your brother there?

14 A. No.

15 Q. Oh, okay. So it was just you and your friend and no
16 one else?

17 A. We was about to go to my house.

18 Q. All right. Okay. Did your brother let you go to his
19 house like that all the time, stop in whenever?

20 A. Yeah.

21 Q. Okay. Were you living with your brother at the time?

22 A. No, I live with my aunt.

23 Q. Okay. What street's that?

24 A. Curtis.

25 Q. Okay. How long have you lived with your aunt for?

1 A. Since I came home from ODYS.

2 Q. Okay. When was that?

3 A. November 12th.

4 Q. Okay. Your buddy that you were with, how long have
5 you known him? Is it a guy or a girl?

6 A. It's a guy.

7 Q. How long have you known him for?

8 A. A couple years.

9 Q. Okay. Does he have a nickname or something? What do
10 you call him.

11 What's his first --

12 THE COURT: You have to answer
13 verbally.

14 A. Nick.

15 Q. Is that his real first name?

16 A. No. We call him Nick. That's his nickname,
17 whatever.

18 Q. Do you know his real name?

19 A. No.

20 Q. You don't know Nick's real name?

21 A. No.

22 Q. I don't want his address, but do you know what street
23 Nick stays at?

24 A. No.

25 Q. Okay. How did you guys link up?

1 A. On the outs at the rec center.

2 Q. Oh, the rec center. Which one?

3 A. Cudell.

4 Q. Oh, okay. Is that where you met on that day?

5 A. No.

6 Q. Where did you --

7 A. He was with me at my brother's house.

8 Q. Like how did you end up being with him at your
9 brother's house?

10 A. What you mean?

11 Q. Well, did he just show up there?

12 A. No. He called me.

13 Q. Oh, he called you. Okay. All right. How long had
14 you been at your brother's house for, do you know?

15 A. He called me. I was leaving. I was about to lock
16 up. He didn't come to my brother's house with me. I
17 was locking up, and when I was coming out, he was
18 coming in. We met like that.

19 Q. Lock up, you mean like locking the house up?

20 A. Yeah.

21 Q. All right. So where were you guys going from your
22 brother's house?

23 A. We was about to go to my house.

24 Q. All right. And how were you getting there?

25 A. The bike.

1 Q. Okay. Who's bike?

2 A. It was his bike.

3 Q. His bike. Okay.

4 A. Yeah.

5 Q. Was it --

6 A. It was both our bikes.

7 Q. Okay. You guys shared a bike?

8 A. Yeah.

9 Q. All right. How did you guys share a bike? I don't
10 understand how you guys share a bike together.

11 A. If I ain't got it, he got it.

12 Q. Okay. How did you get to your brother's house?

13 A. How did I get there?

14 Q. Yeah.

15 A. On a bike.

16 Q. So who rode the bike first?

17 A. Him.

18 Q. He did. So you were at your brother's house first,
19 though? Is that a yes?

20 A. Yes.

21 Q. And then you rode the bike there? You kind of --

22 THE COURT: You have to say yes or no.

23 A. Yes.

24 Q. So he gets on a bike, too, or did he walk there?

25 A. My bike.

1 Q. Okay. But I thought you had the bike, you went to
2 your brother's house on a bike.

3 A. You can assume that we do.

4 Q. So when you go to your brother's house, do you ride a
5 bike to your brother's house? You're nodding your
6 head yes?

7 A. Yes.

8 Q. And then when Nick gets there, he rides a bike, too?

9 A. Yeah.

10 Q. Okay. All right. So then when you guys leave the
11 house --

12 A. Sometimes he had his own bike, though.

13 Q. How is it that he got shot? Did he have his own bike
14 or did you give it to him?

15 A. I was riding.

16 Q. You were riding. He was on your handlebars?

17 A. Yeah.

18 Q. Okay. On his bike -- your bike or his bike or your
19 team bike?

20 A. On my bike.

21 Q. Okay. So you're going from your brother's house on
22 95th and Detroit to your house on Puritas? You're
23 nodding again.

24 A. Yes.

25 Q. Do you remember like the way you went, like what

1 street you took?

2 A. Yeah. I took West Boulevard and I was about to cut
3 -- I was about to hit a right on West Boulevard right
4 there by BP, over the bridge by BP and Lorain on the
5 corner.

6 Q. BP on Lorain, okay.

7 A. But I wasn't that far. Like I was like between
8 Madison and Lorain. I was between, in the middle of
9 like West Boulevard.

10 Q. Oh, okay. So you get to West Boulevard. What street
11 did you take to get to West Boulevard?

12 A. What street?

13 Q. Yes. How did you get to West Boulevard?

14 A. I took 95th up, and then I bust a right on Detroit.
15 I went over the bridge. I bust a left by Cudell and
16 the Rapid Station, I bust a left. And then I went
17 over to the (inaudible).

18 Q. Okay. All right. So you come on Detroit, you turn
19 where the RTA Station is with the Rapid?

20 A. Yeah.

21 Q. You turn up onto West Boulevard, and then were you
22 able to, before you got shot, did you cross Madison?

23 A. Yeah.

24 Q. Okay. So you're on West Boulevard now past Madison
25 and you're going towards Lorain?

1 A. Um-hmm.

2 Q. And then when you go to Lorain -- did you make it to
3 Lorain?

4 A. No.

5 Q. Which way would you have turned if you got to Lorain?

6 A. Right.

7 Q. You would have made a right. Okay. At that BP?

8 A. Um-hmm.

9 Q. Okay. And I think that's right past where the
10 highway is? Isn't the highway up the overpass?

11 A. Yeah.

12 Q. So how far up Madison -- I'm sorry. How far up West
13 Boulevard did you make it, do you remember?

14 A. Like the middle. Like not even that far.

15 Q. The middle. Okay. Did you come up West Boulevard
16 first, a little bit of a curve, and then go straight
17 again?

18 A. Um-hmm.

19 Q. Did you make it past the curve?

20 A. Yeah.

21 Q. Okay. And are you really familiar -- do you know
22 West Boulevard pretty well?

23 A. Yes.

24 Q. Okay. If you ride your bike up West Boulevard,
25 before you get to Lorain there's like another street

1 with a street light on it, you know, before the
2 highway. Do you know what I mean?

3 A. Yeah.

4 Q. Did you make it to that street light?

5 A. No.

6 Q. Okay. I think it's called Western. Do you know the
7 name of that street?

8 A. Yeah.

9 Q. You do? Okay. So you didn't make it to that light?

10 A. No.

11 Q. And then as you and Nick are biking along, where are
12 you? At the end of the street, are you on the walk,
13 or how are you riding?

14 A. Yeah, on the sidewalk.

15 Q. You're on the sidewalk. So as you're riding towards
16 Lorain, you looked to your left and your right?

17 A. Um-hmm.

18 Q. Okay. Then you're on your right side or your left
19 side of the street?

20 A. I was on my right side.

21 Q. You were on the right side of the street?

22 A. Yeah.

23 Q. Okay. So you're on --

24 A. No. I was on my left side.

25 Q. You were on your left side. Okay. So this is --

1 A. I was on this side (indicating).

2 Q. Oh, you're on this side. And you're gesturing on
3 your left. Okay. So you're on the left side of the
4 street?

5 A. Yeah.

6 Q. Okay. So what happens now? So you're riding your
7 friend on your handlebars, and what happens now?

8 A. I got shot.

9 Q. Okay. Well, I mean, did you hear anything before you
10 got shot?

11 A. Yeah, I heard like five shots.

12 Q. Okay. Could you tell where they were coming from?

13 A. A car.

14 Q. I mean, you think that they came from a car?

15 A. Yeah.

16 Q. You do? Did you see the car that was shooting at
17 you?

18 A. No.

19 Q. Okay. What makes you say it was coming from a car?

20 A. Because the car like -- when it was gone past, like I
21 heard the shots and I was looking and I seen somebody
22 just out the window.

23 Q. You did see somebody out the window?

24 A. Yeah.

25 Q. Okay. Do you know which way the car was going? Was

1 it going toward Madison? Was it coming at you and
2 going towards Madison or was it going past you
3 towards Lorain?

4 A. It was coming past Madison, going to Madison.

5 Q. Going to Madison. Okay. So are you telling me that
6 they were driving like that, coming at you? And your
7 nodding your head, so is that a yes?

8 A. Yes.

9 Q. Okay. All right. When did you first notice the car?
10 Did you notice it at all before they shot you?

11 A. No.

12 Q. Okay. Did you see anything about the car? Do you
13 remember anything about the color it was?

14 A. No.

15 Q. No? Do you know if it had two doors or four doors on
16 it?

17 A. No.

18 Q. No. Okay. Do you know how many people were in the
19 car?

20 A. No. I couldn't see that.

21 Q. What's that?

22 A. How was I able to see that?

23 Q. I don't know. All right. And so you saw a person
24 hanging out the window or how did you --

25 A. I didn't see him hanging out. I seen the gun out the

1 window.

2 Q. You saw a gun out the window. Okay. Did you get a
3 look at what color it was?

4 A. No.

5 Q. All right. Did they say anything when they drove by?

6 A. No.

7 Q. They just drove by and shot you?

8 A. Yeah. It was a drive-by.

9 Q. Well, I know it was a drive-by. (Inaudible) they
10 didn't say anything like gang stuff or, you know,
11 we're gonna get you, nothing?

12 A. No.

13 Q. Okay. I mean, is there anybody out there that would
14 be mad at you to shoot you, like you know why you got
15 shot?

16 A. No.

17 Q. Okay. So you get shot. Did you hear the gunshot?

18 A. Yeah.

19 Q. All right. How long after the gunshot is it before
20 you realize that you've been hit?

21 A. Like we jumped off the bike -- he jumped off the bike
22 and he was like, man, you is shot. And I didn't
23 believe him at first.

24 Q. Nick realized you were shot first? Oh, okay.

25 THE COURT: He's nodding at somebody

1 else.

2 Q. All right. So do you feel you're shot at that point?

3 A. Yeah.

4 Q. You did. All right. So what happened? You realized
5 you were shot. What happened? What do you do now?

6 A. I fell.

7 Q. So are you on the ground? Is that what you're
8 saying?

9 A. Yeah.

10 Q. What happens while you were on the ground? What are
11 you doing?

12 A. Crying.

13 Q. Okay. Well, did it hurt?

14 A. Yeah, it hurt.

15 Q. All right. On a scale, like 1 is the least amount of
16 pain and 10 is like a lot of pain, between 1 and 10,
17 what would you say you were at?

18 A. A 10.

19 Q. Okay. Could you walk at that point in time?

20 A. No.

21 Q. Did you try to walk?

22 A. No.

23 Q. Okay. So you're on the ground. You're in a ton of
24 pain. What happens? What do you do?

25 A. Somebody pulled up and put me in a car.

1 Q. Okay. Did you call anybody before that happened?

2 A. My mom.

3 Q. You did. All right. Did you get ahold of her?

4 A. Yeah.

5 Q. Okay. And what did you tell your mom?

6 A. I got shot.

7 Q. Okay. So at that point someone -- did you call
8 9-1-1? You don't call the police? How come you
9 didn't call 9-1-1 or anything for an ambulance?

10 A. I don't know.

11 Q. Okay.

12 THE COURT: Let the record reflect
13 there was a 9-1-1.

14 Q. How long after you call your mom does someone pull up
15 and give you a ride?

16 A. I don't know.

17 Q. Do you think it was quick or do you think it was a
18 long period of time before someone pulled up while
19 you were laying on the ground?

20 A. Say it again.

21 Q. Yes. When you were on the ground, you call your mom,
22 right?

23 A. Yeah.

24 Q. Okay. And then someone comes and picks you up?

25 A. Um-hmm.

1 Q. A stranger stops for you, is that right?

2 A. Yeah.

3 Q. Now, when that stranger stops for you, does it take a
4 while for someone to stop for you, to stop and help
5 you while you're laying on the ground?

6 A. No.

7 Q. Okay. Do you think it was quick that someone stopped
8 to help you?

9 A. Quick enough to get me to the hospital, yeah.

10 Q. Okay. All right. And had you ever seen that person
11 before that picked you up?

12 A. No.

13 Q. What is Nick doing while you're laying on the ground
14 in pain?

15 A. Left.

16 Q. He took off on you? And you're nodding your head?

17 A. Yeah.

18 Q. Okay. Not a very good friend thing to do. Where is
19 the bike? When Nick leaves, what happens to the
20 bike, anything?

21 A. He took it.

22 Q. He took your bike? Okay. Was Nick there when the
23 person came and gave you a ride?

24 A. No.

25 Q. He already left? Okay. And what does Nick look

1 like? Is he white, black, Spanish?

2 A. Black.

3 Q. He's black. How tall are you?

4 A. I don't know.

5 Q. Is he taller or shorter than you, or the same height?

6 A. Shorter.

7 Q. Shorter than you. Okay. What is his hair like?

8 A. I don't know. A haircut.

9 Q. Well, yeah. But like is it like yourself? You've
10 got a certain haircut, right, with dreadlocks -- or
11 not dreadlocks, but like twisties or whatever.

12 A. Yeah.

13 Q. Was his hair like yours? Was it different, or is
14 it --

15 A. It's different.

16 Q. It's different?

17 A. Yeah.

18 Q. Okay. All right. And he's shorter than you. Okay.
19 Like if you were to describe your skin tone, what
20 would you describe your skin tone as?

21 A. I don't know.

22 Q. Well --

23 A. Light-skinned.

24 Q. Okay. Would you call yourself -- I don't know.

25 Would you call yourself light-skinned, is that what

1 you're saying?

2 A. Yeah.

3 Q. What's Nick compared to your skin? Is he darker or
4 is he lighter?

5 A. Darker.

6 Q. He's darker. Okay. Is he really dark or is he in
7 between? How would you --

8 A. Between.

9 Q. Okay. So what hospital do you go to?

10 A. Huh?

11 Q. What hospital do you go to?

12 A. Lakewood.

13 Q. Okay. How long are you at Lakewood for?

14 A. I don't know. I wasn't trying to count time and
15 that.

16 Q. Okay. Did you stay overnight at Lakewood?

17 A. No.

18 Q. Okay. Did you go to another hospital that night?

19 A. Yeah. Fairview.

20 Q. Did you stay overnight at Fairview?

21 A. No. I went home on that night like 1, 2 probably, in
22 the morning.

23 Q. Okay.

24 A. Probably later than that.

25 Q. So were you at the hospital at all the day after you

1 got shot?

2 A. No.

3 Q. No hospital. Okay. So did you ever go to Metro
4 Hospital?

5 A. No.

6 Q. Okay. So when you're at the hospital --

7 A. Pediatrics.

8 Q. Pediatrics. Okay. When did you go to Pediatrics?
9 When was that?

10 A. Like May.

11 Q. In May. Okay. So did you go a while after you were
12 shot?

13 A. Yeah. I had to get my -- no, I think it was April.
14 I had to get some medicine or something. I don't
15 know. My mom made the appointment.

16 Q. Mom made the appointment and you went to Metro. Do
17 you know how long after it was that you went to
18 Metro?

19 A. No.

20 Q. Do you know if it was the same week?

21 A. No. I wasn't paying attention like that.

22 Q. Okay. So when you're in Lakewood Hospital, remember
23 I asked you if your ankle hurt, like 1 is the least,
24 no pain, and 10 is a ton of pain. When you were
25 laying in the hospital, what did it feel like?

1 A. Huh?

2 Q. When you're in the hospital, when you're at
3 Lakewood --

4 A. Yeah.

5 Q. -- and I'm asking you a question asking if 1 is no
6 pain and 10 is a lot of pain, okay, where is your
7 pain level?

8 A. 10.

9 Q. Still 10. Can you walk?

10 A. No.

11 Q. Okay. Were you able to walk at any point after you
12 got shot in the ankle?

13 A. No.

14 Q. Okay.

15 A. Not that much. Not like for two months.

16 Q. Really? You couldn't walk for two months?

17 A. Yeah. I was in a boot.

18 Q. Oh, okay. All right. So when did you get the boot
19 taken off, do you remember the day that was?

20 A. They take it off when I was in County.

21 Q. Oh, they did. Okay. Do you recognize anyone in
22 Court?

23 A. No.

24 Q. Look around first. Do you recognize anyone that's in
25 the Court?

1 A. No.

2 Q. Okay. Do you know a person named Dalonte White?

3 A. No.

4 Q. Do you know a person named Scoobie?

5 A. No.

6 Q. Jo'Von Evans?

7 A. No.

8 Q. Do you know Rayvion Edwards?

9 A. No.

10 Q. Romell Thomas?

11 A. Who?

12 Q. Romell Thomas.

13 A. No.

14 Q. Okay. Hey, when you got -- what were you wearing
15 when you went to the hospital, do you remember?

16 A. What was I wearing?

17 Q. Yeah. What kind of clothes did you have on?

18 A. I had on some -- I had on my white shoes, some pants,
19 and a jacket.

20 Q. Okay. And do you remember what your pants looked
21 like, what color?

22 A. They was blue.

23 Q. Blue pants. Are you talking jeans or what are you
24 talking about?

25 A. Yeah.

1 Q. Okay. And you believe you had a jacket on?

2 A. A black hoodie.

3 Q. A black hoodie. Okay. Do you remember where you got
4 it, where it's from, at what store?

5 A. No.

6 Q. Okay. Did it have like any -- did it say anything on
7 it at all, on the hoodie?

8 A. No.

9 Q. It didn't say anything on it?

10 A. No.

11 Q. No brand? Like sometimes it'll have Polo or Nike or
12 North Face or whatever. Did it have anything on it?

13 A. No.

14 Q. No markings at all?

15 A. No.

16 Q. Okay. Did it have any pockets on it?

17 A. No.

18 Q. No pockets at all on the hoodie?

19 A. It's like a little sport hoodie.

20 Q. What does a sport hoodie look like?

21 A. It's got a green hood and it's black.

22 Q. Green hood, black. So did it have side pockets?

23 A. No.

24 Q. Did it have a front pocket?

25 A. Yeah, like to put both of your hands in.

1 Q. So it does have a pocket?

2 A. Yeah, like in the front.

3 Q. Yeah, right. So it has a big pocket in the front?

4 A. Yeah. You put both of your hands in.

5 Q. Okay. And there was no marking at all, there's no
6 brand on it?

7 A. No.

8 Q. All right. Have you ever -- this is going to sound
9 weird. Have you ever been bitten by a dog before?

10 A. No.

11 Q. Did you ever speak with a detective?

12 A. Yes.

13 Q. Do any police officers look familiar in here?

14 A. Yeah.

15 Q. This detective?

16 A. Yeah.

17 Q. Okay. So when I asked you if anybody looked familiar
18 in here, he looks familiar though, right?

19 A. Oh yeah.

20 Q. Okay. Here. Let me just make sure of this. So he
21 looks familiar. I guess I look familiar from ten
22 minutes ago, right?

23 A. Yeah.

24 Q. Okay. Does anyone else in this courtroom look
25 familiar to you? And you look, and if you see

1 anybody else that's familiar, I need you to tell me.

2 A. The sheriff.

3 Q. Okay. The sheriff. Okay. Anyone else at all in
4 here familiar?

5 A. No.

6 Q. Okay. When you met with the detectives, did they
7 show you any pictures?

8 A. Yeah.

9 Q. Okay. Did any of those people -- the pictures that
10 were shown to you, did any of those people look
11 familiar to you?

12 A. Yeah.

13 Q. Okay. How many of them looked familiar?

14 A. One.

15 Q. Okay. All right. Mr. Bunch, I'm gonna show you two
16 pictures, okay? I'm gonna show you State's 200 and
17 201.

18 MR. SCHROTH: May I approach the
19 witness?

20 THE COURT: Yes.

21 Q. Mr. Bunch, I'm gonna show you, this has been marked
22 as State's 200. Okay. Can you see that?

23 A. Um-hmm.

24 Q. Does that guy look familiar at all?

25 A. Yeah. The detective showed me.

1 Q. Okay. So you've seen his picture before, right?

2 A. Yeah.

3 Q. But have you seen the person in that picture at all
4 before beside the time the detective showed you the
5 photo?

6 A. No.

7 Q. Okay. I'm showing you State's 201. All right. Have
8 you seen that picture before?

9 A. Yeah.

10 Q. Okay. With the detective?

11 A. Yeah.

12 Q. Okay. Does that guy look familiar?

13 A. Yeah.

14 Q. He does. Okay. How do you know that person?

15 A. I went to school with him.

16 Q. What school?

17 A. Lincoln West.

18 Q. Lincoln West. Okay. Was he the same grade as you, a
19 different grade?

20 A. No.

21 Q. No, what?

22 A. He wasn't in the same grade with me.

23 Q. Okay. Was he older or younger than you?

24 A. I don't know.

25 Q. Okay. You don't know if he was (inaudible)?

1 A. Huh?

2 Q. Do you know if he was -- did he finish school before
3 you did?

4 A. No. I went to jail.

5 Q. Okay. All right. So you just see him at school.
6 You don't know what grade he's in?

7 A. Yeah. I never talked to him. I just seen him in
8 school.

9 Q. Oh, you never even talked to him before?

10 A. No.

11 Q. Oh. Do you know what his name is?

12 A. Yeah.

13 Q. What?

14 A. Poohead.

15 Q. Poohead. Now, if you don't know him, how do you know
16 his name is Poohead?

17 A. Around the school.

18 Q. Okay. All right. Do you know his real name?

19 A. No.

20 Q. His government name?

21 A. No.

22 Q. Okay. All right.

23 THE COURT: When you say Poohead, is
24 it P-o-o?

25 THE WITNESS: I don't know. They just

1 call him Poohead.

2 Q. Okay. Do you know why they call him Poohead?

3 A. No.

4 Q. Okay. Have you ever had a conversation with Poohead?

5 A. No.

6 Q. Were you in any classes -- did you guys share any
7 classes at all, you and Poohead?

8 A. You just asked me that.

9 Q. And what was your answer?

10 A. No.

11 Q. Okay. Have you ever heard of something called HMF, a
12 group of people who call themselves HMF?

13 A. No.

14 Q. Hungry Money Family, have you ever heard that before?

15 A. No.

16 Q. Okay. Hey, Mr. Bunch, when you met with the police,
17 did they ever have you sign anything at all?

18 A. Yeah.

19 Q. Okay. Do you know what was that for, do you
20 remember?

21 A. To get my medical records.

22 Q. Okay. Did you sign it? Were you willing to do that?

23 A. Yeah.

24 Q. Okay. Did you have any hesitation when the police
25 asked can you sign for us to get your medical

1 records, did you have any hesitation when you signed
2 it?

3 A. Yeah.

4 Q. You did?

5 A. At first, yeah.

6 Q. Why?

7 A. Because I thought the (inaudible) did sign some other
8 stuff for me.

9 Q. Okay. So did you eventually sign it for them?

10 A. Yeah, I signed it for them.

11 Q. All right. I'm gonna show you State's 68. Mr.
12 Bunch, I'm gonna show you State's 68, okay? I'm
13 gonna show you page 3 of State's 68. How are you at
14 reading? Are you okay reading?

15 A. Yeah. No.

16 Q. Well, let me know if you can just say -- I just want
17 to know, can you see it says, Patient Information.
18 Who's the name of that?

19 A. Me.

20 Q. Okay. What name is that?

21 A. Bunch.

22 Q. Okay. Now, you don't need to read this into the -- I
23 don't want you to say it out loud, but is there an
24 address there? Don't read the address, but do you
25 see where there's an address?

1 A. Yes.

2 Q. Does that -- don't say what the address is, but does
3 that address look familiar?

4 A. Yes.

5 Q. Okay. Who's address is that?

6 A. Mine.

7 Q. Okay. And is there a date of birth?

8 A. Yes.

9 Q. Okay. Who's date of birth is that?

10 A. Mine.

11 Q. Okay. Mr. Bunch, I want to talk about your pain when
12 you got shot. How long, you know, did it take for
13 the pain level to go down from the highest amount
14 possible, a 10, how long did it take for it to
15 subside at all?

16 A. What you mean?

17 Q. It sounds like you were in a ton of pain from the
18 moment you got shot, is that right?

19 A. Um-hmm, yeah.

20 Q. Okay. How long did it take for you not to be in
21 excruciating and a lot of pain?

22 A. I don't know. Like two months, three months, two and
23 a half.

24 Q. So it took a while?

25 A. Yes.

1 Q. Would you have been able to, from the time you got
2 shot, so back when you're laying on the ground now,
3 okay? Do you think you would have been able to get
4 up and walk up to Lorain Avenue --

5 A. No.

6 Q. No. Okay.

7 MR. SCHROTH: Could I have a moment,
8 Judge?

9 THE COURT: Yes.

10 Q. Did you ever hear anything, Mr. Bunch, about a home
11 break-in that happened on the same day you were shot?

12 A. No.

13 Q. Do you know a person named -- do you know or have you
14 ever heard of a person named Cheyenna Cole?

15 A. No.

16 Q. What about a Charlotte Cole?

17 A. No.

18 Q. What about a Cherish Jones, have you ever heard of
19 her?

20 A. No.

21 Q. Have you ever hear of a guy named Christopher Hughes
22 or Christian Hughes?

23 A. No.

24 Q. Never heard of him?

25 A. No.

1 Q. A white kid?

2 A. Huh?

3 Q. He's white. Did you ever hear of him?

4 A. No.

5 Q. Have you ever heard of a girl named Shetrell,

6 S-h-e-t-r-e-l-l, Harris?

7 A. Who?

8 Q. Shetrell Harris.

9 A. No.

10 Q. Do you know anyone by the nickname of Scoobie?

11 A. You asked me that.

12 Q. I did? Okay. What did you say?

13 A. No.

14 Q. Okay. Did you ever hear of a girl named Daisy,

15 Daisyonna?

16 A. No.

17 Q. What about have you ever heard of a person named

18 Colleen Allums, A-l-l-u-m-s? Does that sound

19 familiar?

20 A. No.

21 Q. She lives over on West 54th.

22 A. No.

23 Q. Do you know anybody that lives around 54th?

24 A. No.

25 Q. Okay. Do you know a girl named Savannah LaForce?

1 A. No.

2 Q. What about a kid named Zackary Hales?

3 A. Uh-uh.

4 Q. Okay. Thanks. Nothing further. This gentleman here
5 may have a couple questions for you, okay?

6 THE COURT: All right. Attorney
7 Hoffman, any questions for this witness?

8 MR. HOFFMAN: Thank you, your Honor.

9 **CROSS-EXAMINATION OF EDWARD BUNCH**

10 **BY MR. HOFFMAN:**

11 Q. Mr. Bunch, I'm Brian Hoffman. I represent Dalonte
12 White, okay?

13 A. Um-hmm.

14 Q. I'm going to ask you a few follow-up questions, okay?

15 A. Uh-huh.

16 Q. Sir, the day you got shot, you met with the police
17 that day, right?

18 A. Uh-huh.

19 Q. They came out to the hospital?

20 THE COURT: Let the record reflect he
21 is nodding his head yes.

22 Q. Is that a yes?

23 A. Yes.

24 Q. Okay. And you didn't want to talk to them that day?

25 A. No.

1 Q. So you didn't give them any information?

2 A. No.

3 Q. You didn't tell them about Nick or whoever this other
4 guy was?

5 A. No.

6 Q. Okay. So this is the first day you've ever given a
7 name to this person Nick, right?

8 A. Yeah.

9 Q. Do you have Nick's phone number?

10 A. Huh?

11 Q. Do you have Nick's phone number?

12 A. On my phone.

13 Q. On your phone. But you don't know it by heart?

14 A. No.

15 Q. All right. So you were going down West Boulevard
16 toward Lorain?

17 A. Yes.

18 Q. You're on your bike, Nick's on top of your
19 handlebars?

20 A. Yeah.

21 Q. Okay. And then you saw a car drive by and then you
22 hear shots?

23 A. Uh-huh.

24 Q. Was it just the driver shooting?

25 A. No.

1 Q. Who was shooting? The passenger?

2 A. Yes.

3 Q. Okay. So was the passenger shooting out of the
4 driver's side or the passenger's side?

5 A. The passenger's side.

6 Q. And all you saw was the gun?

7 A. Yeah.

8 Q. And they didn't yell anything or say anything. They
9 just started shooting?

10 A. Yeah.

11 Q. I believe originally you said that Nick ran off when
12 you talked to Detective Lam. Do you remember that?

13 A. Yeah.

14 Q. So that he left the bike behind and you had the bike,
15 right?

16 A. Huh?

17 Q. You had the bike, right?

18 A. No.

19 Q. Didn't you tell Detective Lam that, that you drove
20 the bike and Nick ran off? That's what you told
21 Detective Lam before, right?

22 A. Who, him? The detective right there (indicating)?

23 Q. Yeah.

24 A. Did I tell him that?

25 Q. Yes.

1 A. I told him what?

2 Q. Didn't you tell him that Nick ran away, he didn't get
3 on a bike and go away?

4 A. I don't remember. I don't know.

5 Q. All right. So you don't know if Nick just ran away
6 or if he took the bike and got away?

7 A. He took the bike. He ran away.

8 Q. Because before you said that you each had your own
9 bike that day, right?

10 A. Yeah.

11 Q. So why would he take both bikes to your house?

12 A. I don't know.

13 Q. Okay. Did Nick get shot?

14 A. No.

15 Q. All right. So you get shot, you hit the ground, you
16 go a little ways. You said you didn't realize you
17 got shot right away, right?

18 A. Yeah.

19 Q. So you went a little ways on the bike and then you
20 felt it?

21 A. Yeah.

22 Q. And that's when you fell?

23 A. Yeah.

24 Q. All right. And then Nick takes off. Did Nick have a
25 cell phone?

1 A. Did he have a cell phone?

2 Q. Yeah.

3 A. I don't know what he have.

4 Q. Okay. And you had your cell phone, right?

5 A. Yeah.

6 Q. Okay. So you're there, you got shot, so you decide
7 to call your mom.

8 A. Um-hmm.

9 Q. So you picked up your cell phone and called your mom.
10 Did you know her number or did you have it programmed
11 in your phone?

12 A. What you mean?

13 Q. Was your mom's number already in your phone and you
14 used that or --

15 A. I knew my mom's phone.

16 Q. What's that?

17 A. Knew it already.

18 Q. Okay. So did you dial it by hand, all the numbers?

19 A. Yeah.

20 Q. Okay. So you called your mom from your cell phone?

21 A. Yeah.

22 Q. Okay. And told her you got shot?

23 A. Yeah.

24 Q. And you didn't call the police?

25 A. No.

1 Q. And you didn't call the ambulance, correct?

2 A. Yeah.

3 Q. You said a guy picked you up then?

4 A. Yeah.

5 Q. Like right off of West Boulevard. That's a pretty
6 busy area, right?

7 A. Yeah.

8 Q. A lot of cars, a lot of people out?

9 A. I don't remember.

10 Q. But generally, it's a pretty busy area?

11 A. I guess.

12 Q. So that's how this guy sees you?

13 A. Yeah.

14 Q. So he's driving by and he sees you laying there, asks
15 you what's wrong?

16 A. Yeah. He already knew. I guess he already knew. I
17 don't know.

18 Q. Okay. So he says he's gonna give you a ride?

19 A. Yeah.

20 Q. Were you bleeding?

21 A. Yes.

22 Q. Okay. Did you put anything on it or anything, or
23 what did you do to stop the bleeding?

24 A. There was a bag right there. He put a bag on my leg.

25 Q. What did the guy look like?

1 A. Huh?

2 Q. What did he look like?

3 A. A black guy.

4 Q. What kind of car was he driving?

5 A. I don't know.

6 Q. So you called your mom and you said you got shot.

7 Did you then call her again later to tell her you
8 were going to Lakewood?

9 A. Yeah.

10 Q. All right. So you called her twice then?

11 A. No, I called her once.

12 Q. Okay. When you were on your way?

13 A. Yeah.

14 Q. Because when you were on the ground you called her.
15 That's what you said, right?

16 A. Yeah.

17 Q. Okay. Were you telling her like, hey, come pick me
18 up?

19 A. No. I said, come to Lakewood Hospital, because the
20 guy already pulled up.

21 Q. Okay. So the guy pulled up already pretty quickly
22 after you got shot?

23 A. Yeah.

24 Q. What type of gun was it, do you know?

25 A. No.

1 Q. All right. You didn't see color?

2 A. No.

3 Q. Do you know if it was a semi-automatic or a revolver?

4 A. No.

5 Q. Do you know the difference between a semi-automatic
6 and a revolver?

7 A. No.

8 Q. Okay. A revolver is like the little spinning
9 cowboy-type gun.

10 A. Um-hmm.

11 Q. That's right?

12 A. Um-hmm.

13 Q. So you don't know what kind of gun it was?

14 A. No.

15 Q. So you go to the hospital and they help you out?

16 A. Uh-huh.

17 Q. Where did the bullet hit, like your ankle?

18 A. Yes.

19 Q. Right ankle?

20 A. Yeah.

21 Q. Did it leave scarring?

22 A. Yeah.

23 Q. All right. So it went in -- where did it go out, the
24 bottom of your foot?

25 A. It didn't go out.

1 Q. It's still in there?

2 A. Yeah.

3 Q. So is it still lodged in there? The hospital
4 couldn't remove it at all?

5 A. No.

6 Q. Did it hit a bone in your ankle?

7 A. It hit the knee -- I mean, it hit the ankle.

8 Q. But right on that little bone?

9 A. Yeah.

10 Q. You know Deondre Sanders, right?

11 A. Who?

12 Q. Deondre Sanders?

13 MR. SCHROTH: Objection.

14 THE WITNESS: No.

15 THE COURT: What's your basis?

16 MR. SCHROTH: It's part of what he was
17 arrested with.

18 MR. HOFFMAN: I'm just asking if he
19 knows. I don't want to ask anything about the
20 arrest.

21 THE COURT: You know the drill. I
22 will overrule it. Go ahead. You can ask it.

23 Q. (BY MR. HOFFMAN) You know Deondre Sanders?

24 A. No.

25 Q. Rayshawn Hutch?

1 A. No.

2 Q. You don't know him at all?

3 A. No.

4 Q. In your medical records it indicates that you were
5 dropped off at the Emergency Department by a friend.

6 Is that not true?

7 A. No. I guess the dude say he was my friend because he
8 -- I don't know. He picked me up out of nowhere and
9 took me to the hospital.

10 Q. So he said he was your friend?

11 A. Yeah.

12 Q. But you didn't know him?

13 A. No.

14 Q. In any case, you got there about 6:38 p.m. Does that
15 sound about right?

16 A. Huh?

17 Q. About 6:38 p.m.?

18 A. Where?

19 Q. At the hospital. Does that sound right?

20 A. I don't know what time it was.

21 Q. All right. But that sounds about right?

22 A. I don't know. I never seen the time. I was in the
23 hospital.

24 Q. All right. You said Nick got to your brother's house
25 on a bike, right?

1 A. Huh?

2 Q. Nick got to your brother's house on a bike?

3 A. Yeah.

4 Q. What color was his bike?

5 A. I don't know.

6 Q. You don't know what color his bike is?

7 A. No.

8 Q. Okay.

9 A. I don't pay attention to all that.

10 Q. Okay. But you also rode a bike, a separate bike to
11 your house, right -- to your brother's house?

12 A. Yeah.

13 Q. What color is that bike?

14 A. I don't know.

15 Q. All right. So you don't remember the bikes that you
16 were riding?

17 A. No. I ride heli bikes.

18 Q. Okay. That means a lot of bikes?

19 A. Yeah. I ride a lot of bikes.

20 Q. Did you see anyone else out on the street where you
21 got shot?

22 A. No.

23 Q. Are you sure you don't know Deondre Sanders?

24 A. Huh?

25 Q. Are you sure you don't know Deondre Sanders?

1 A. No.

2 Q. Or Rayshawn Hutch?

3 A. No.

4 Q. You said you had on a hoodie that day?

5 A. Yeah.

6 Q. Was it a dark-colored hoodie?

7 A. Yeah.

8 Q. And most of them have some sort of a brand, though,
9 right?

10 A. Yeah.

11 Q. Like Abercrombie or Hollister, something like that?

12 A. Yeah.

13 Q. Did it have one and you just don't remember what kind
14 it was?

15 A. I know what I had on.

16 Q. What kind was it then?

17 A. It was a black hoodie. It had pockets in the front
18 and it had a green hood. There was no name brand.
19 It was like a little sport that you get from like --
20 a sport like.

21 Q. So you don't know the brand it was?

22 A. No. It ain't have no brand.

23 Q. Did you ever get the bike back?

24 A. Huh?

25 Q. Did you ever get the bike back?

1 A. No. I wasn't thinking about the bike.

2 Q. So you never called Nick and said, hey, can you get
3 my bike back?

4 A. No.

5 Q. Did Nick ever call you and say, hey, what do you want
6 me to do with the bike?

7 A. No.

8 Q. You never talked to Nick then since you got shot?

9 A. He came to my house.

10 Q. He came to your house. When was that?

11 A. A couple days after I got shot. I don't know when.
12 I don't keep the days and times and stuff like that.

13 Q. It was awhile ago, right?

14 A. No, I still don't do it, keep time and dates.

15 Q. So you don't really keep track of much of anything,
16 right?

17 A. No.

18 Q. Okay.

19 MR. HOFFMAN: Nothing further. Thank
20 you, your Honor.

21 THE COURT: Any redirect?

22 MR. SCHROTH: Just a couple.

23 **REDIRECT EXAMINATION OF EDWARD BUNCH**

24 **BY MR. SCHROTH:**

25 Q. Mr. Bunch, would you consider yourself a person who

1 has a lot of friends?

2 A. No.

3 Q. Okay. Of the friends that you have, do you know all
4 of your friends, like their government names, their
5 real first and last names?

6 A. No, not all of them.

7 Q. All right. Do you have some friends whose government
8 or their real name you don't know?

9 A. What?

10 Q. Do you have some friends whose real name you don't
11 know what it is?

12 A. Do I know what?

13 Q. Do you have friends and you don't know what their
14 real name is?

15 A. Yeah.

16 Q. All right. Is that uncommon for people that you hang
17 out with or know, to not be aware of what a person's
18 real name is?

19 A. What you mean?

20 Q. Is it unusual for, like where you went to school and
21 where you live, does everybody in the neighborhood
22 know everybody's real first and last name?

23 A. No.

24 Q. All right.

25 A. I don't know. I don't get in people's business. I

1 don't be into that.

2 Q. Okay. All right. But you don't know everybody's
3 real first or last name that you hang out with, is
4 that right?

5 A. Yeah.

6 Q. That's correct. Okay.

7 A. You say what?

8 THE COURT: I get it. He knows
9 nicknames. He doesn't know real names. I get
10 it.

11 MR. SCHROTH: Okay.

12 Q. (BY MR. SCHROTH) But is that right, sometimes you
13 just know people's nicknames you hang out with, not
14 their actual real first and last names?

15 A. Yeah.

16 Q. All right. Now, you mentioned you were wearing a
17 hoodie, you know, the black with the green, but let's
18 say if someone was to walk behind you, would they
19 actually be able to see the hood hanging down on the
20 sweatshirt?

21 A. Yeah.

22 Q. Okay. Was it a big hood, a small hood?

23 A. What you mean?

24 Q. How far down did the hood go?

25 A. As far as a hoodie go.

1 Q. So it was a typical hoodie that you normally see out
2 and about, right?

3 A. Yeah.

4 Q. All right. You had your cell phone on you when you
5 got shot, right?

6 A. Got what?

7 Q. You had your cell phone on you when you got shot?

8 A. Yeah.

9 Q. Okay. Did you have any other cell phones on you
10 besides yours?

11 A. No.

12 Q. Okay. And the day you went to County, did you have
13 the same cell phone -- did you have a cell phone on
14 you?

15 A. No.

16 Q. Okay.

17 A. My phone got turned off.

18 Q. Oh, it did?

19 A. Yeah.

20 Q. When was that?

21 A. Like two days after I got shot.

22 Q. Okay. Did you keep the phone after that, or what did
23 you do with it?

24 A. It's at home.

25 Q. Oh, so you still have it. It's at home?

1 A. Yeah.

2 Q. And then it sounds like on cross-examination by Mr.
3 Hoffman that you -- were you on the phone with your
4 mom when this random guy stopped to help you?

5 A. Yeah.

6 Q. Okay. Did the police come to the hospital to talk to
7 you at all that day?

8 A. Yeah.

9 Q. Okay. And did you tell them everything that
10 happened?

11 A. No.

12 Q. Okay. How come?

13 A. Because my mom told me not to say anything.

14 Q. Oh, she did. Okay. Why?

15 A. I don't know.

16 Q. Did you know the person at all that did the drive-by?

17 A. No.

18 Q. Okay.

19 A. I didn't see him.

20 Q. Okay. So I still don't understand why not tell them
21 that, everything that happened?

22 A. I don't know.

23 Q. Okay. All right. And were you afraid of snitching
24 at all?

25 A. Yeah.

1 Q. You were?

2 A. Yeah.

3 Q. Okay. Nothing further. Thanks, Ed.

4 THE COURT: Any recross based on the
5 Prosecutor's questions?

6 **RECROSS-EXAMINATION OF EDWARD BUNCH**

7 **BY MR. HOFFMAN:**

8 Q. You were talking about your cell phone that got
9 turned off. Which company were you with before?

10 A. Metro PCS.

11 Q. Do you remember the phone number?

12 A. No.

13 Q. The Prosecutor just asked you about why you didn't
14 want to tell the police anything. You didn't want
15 them to find out how you got shot, right?

16 A. Huh?

17 Q. You didn't want the police to find out how you got
18 shot, right?

19 A. I told the hospital.

20 Q. But you didn't tell the police that because you
21 didn't want the police to snoop around, right?

22 A. To what?

23 Q. You didn't want the police to find out how you got
24 shot.

25 A. I didn't want the police to find out how I got shot?

1 Q. Yes.

2 A. What you mean?

3 Q. The reason why you didn't want to talk to the police
4 is you didn't want them to find out how you got shot,
5 right?

6 A. No. They knew how I got shot if the hospital told
7 them.

8 Q. But you said like you didn't --

9 A. I just didn't want to say nothing because my momma
10 told me not to say nothing.

11 Q. Because you didn't want them to find out how you got
12 shot, right?

13 A. I guess. I don't know.

14 Q. The guy you were talking about earlier, his name is
15 Dregs. You were talking about you know nicknames,
16 street names?

17 A. Say what?

18 Q. You're more familiar with street names or something
19 of your friends?

20 A. Yeah.

21 Q. Dreg Ondre, something like that?

22 A. What you mean?

23 Q. Does that sound familiar?

24 A. No.

25 Q. How about a guy, real light-skinned, kind of looks

1 Hispanic. Has like pin-stripe like little facial
2 hair around his mouth and a chin strap. Do you know
3 what I'm talking about?

4 A. No.

5 Q. And Rayshawn, you don't know Rayshawn, a real tall
6 black guy?

7 A. No.

8 Q. Real skinny?

9 A. No.

10 MR. HOFFMAN: Nothing further. Thank
11 you.

12 MR. SCHROTH: I just have one
13 question, Judge, if that's okay.

14 THE COURT: Sure.

15 **FURTHER REDIRECT EXAMINATION OF EDWARD BUNCH**

16 **BY MR. SCHROTH:**

17 Q. Mr. Bunch, when Mr. Hoffman was asking questions, you
18 said I told the hospital in terms of what happened.
19 Do you remember saying that?

20 A. Yeah.

21 Q. Did you tell the hospital the truth of what happened
22 to you when you got shot?

23 MR. HOFFMAN: Objection.

24 THE WITNESS: Yeah.

25 THE COURT: What's your basis?

1 MR. HOFFMAN: It's outside the scope.

2 THE COURT: I'll allow it. You can
3 answer it.

4 THE WITNESS: Yeah.

5 MR. SCHROTH: Nothing further.

6 THE COURT: All right.

7 MR. HOFFMAN: Can I ask just one
8 follow-up?

9 THE COURT: Go ahead, if you have
10 follow-up.

11 **FURTHER RECROSS-EXAMINATION OF EDWARD BUNCH**

12 **BY MR. HOFFMAN:**

13 Q. The only thing you said to the hospital was, I was
14 shot in a drive-by, right?

15 A. Huh?

16 Q. The only thing you told the hospital was, I was shot
17 in a drive-by, and that was it, right?

18 A. No. I told them where I got shot at --

19 Q. Okay. So I got shot in a drive-by on West Boulevard.

20 A. Yeah.

21 Q. That's it, right?

22 A. That's all they asked me.

23 Q. You didn't tell them about Nick?

24 A. No.

25 Q. You didn't tell them about anything else?

1 A. No.

2 Q. And you wouldn't tell the police any of it?

3 A. No.

4 Q. Okay. Nothing further.

5 THE COURT: All right. Sheriff, you
6 can take him back there and then we'll call to
7 have him transported.

8 (Discussion had off the record.)

9 THE COURT: All right. Prosecutor,
10 are you going to call -- I saw what looked like
11 a police officer walk through, but I don't know
12 if it was for you or not.

13 Do you want to step out and check?

14 MR. SCHROTH: I don't think he's here
15 for me, Judge. I only had, because of the
16 window, Mr. Bunch and Lam here because they're
17 here from 10 till 12.

18 THE COURT: Unfortunately, had we
19 started relatively on time, I could have made
20 the commitment I have.

21 All right. So what are we going to
22 do? Are we going to -- are you going to call
23 anyone else today or are we going to resume on
24 Friday?

25 MR. SCHROTH: I sort of was

1 anticipating we'd be finishing at noon, so I
2 have a meeting at 1. That's all.

3 THE COURT: I have a meeting at 12
4 down at Domestic Relations. It's because we
5 were waiting here for a half-hour to bring a
6 witness, to bring him over.

7 MR. SCHROTH: But we don't have a
8 whole lot on Friday. I mean, there's officers
9 and stuff. They should be -- the testimony
10 should be a little more fluid, a little simpler.
11 They'll understand the questions.

12 MR. HOFFMAN: It's a lot.

13 MR. SCHROTH: It's a lot, but Lam is a
14 smart guy. He'll understand the questions.

15 THE COURT: All right. We're gonna
16 start Friday. Be here at 10. We'll start at
17 10:30. You're gonna have to talk to O'Malley's
18 room, because I need to get this finished.

19 MR. SCHROTH: I hear you. I just
20 don't want to make any Judges mad ever, Judge.

21 THE COURT: Yeah, I know.

22 MR. SCHROTH: I'm sort of the low man
23 and all that.

24 MR. LAWSON: Judge, I have a hearing
25 in Portage County set for 10 on Friday. I'm

1 supposed to be back here in the afternoon. I'll
2 get here as quickly as I can.

3 THE COURT: All right. Anything you
4 have an issue with?

5 MR. HOFFMAN: No, not for Friday,
6 Judge.

7 THE COURT: Now I have three
8 sheriff's. All right. See you on Friday.

9 (End of audio-recording.)

10 - - -

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

I, James M. Mizanin, a stenographic reporter, do hereby certify that I wrote the foregoing audio-recorded proceedings in their entirety in Stenotype, which was subsequently transcribed into typewriting by means of computer-aided transcription under my direction; and that the foregoing Transcript of Proceedings is a true and correct transcript.

Signed this 13th day of October, 2015.

James M. Mizanin
5755 Granger Road
335 Independence Tower
Independence, OH 44131

APPEARANCES:

Norman Schroth, Assistant Prosecuting Attorney,

on behalf of the State of Ohio.

Brian Hoffman, Assistant Public Defender,

on behalf of the child, Dalonte White.

John Lawson, Esq.,

Guardian ad Litem for the child, Dalonte White.

- - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESSES

<u>STATE 'S:</u>	<u>Page</u>
<u>DETECTIVE DAVID LAM</u>	
Direct Examination by Mr. Schroth.....	270
Cross-examination by Mr. Hoffman.....	344
Redirect Examination by Mr. Schroth.....	398
Recross-examination by Mr. Hoffman.....	404
Further Redirect Examination by Mr. Schroth.....	406

- - -

OBJECTIONS

	<u>Page</u>
Mr. Hoffman.....	283, 308, 324, 326, 393, 403, 410, 412, 430, 431
Mr. Schroth.....	347, 348, 352, 353, 353, 358, 370, 370, 372, 380, 381, 385, 391, 391, 396, 397, 398, 403

- - -

EXHIBITS:

<u>STATE 'S:</u>	<u>Page</u>
34 - Picture.....	277
64 - Picture.....	276

1	69A - Picture.....	330
2	69B - Picture.....	330
3	70 - Picture.....	303
4	71 - Picture.....	303
5	72 - Picture.....	303
6	73 - Google Maps.....	341
7	74 - Google Maps.....	338
8	75 - Google Maps.....	339
9	78 - Photo array identifier.....	292
10	84 - Photo array.....	319
11	86 - Photo array.....	319
12	87 - Photo array identifier.....	321
13	89 - Photo array.....	321
14	93 - Photo array identifier.....	293
15	108 - Photo array identifier.....	296
16	200 - Picture.....	305
17	201 - Picture.....	287
18	202 - Facebook search warrant results.....	324
19	203 - Picture.....	328
20	204 - Picture.....	328
21	<u>DEFENSE:</u>	
22	A - Picture.....	345
23	B - Incident Report.....	350
24	D - Interview of Colleen Allums.....	405

PROCEEDINGS

JUDGE DENISE N. RINI: We are on the record for Dalonte White. We are in the middle of a probable cause hearing on Case DL 15105751.

Beginning with Dalonte, can you say your name for the record.

MR. WHITE: Dalonte White.

THE COURT: Thanks.

MR. LAWSON: John Lawson, Guardian ad Litem.

MR. HOFFMAN: Brian Hoffman, Assistant Public Defender, representing Dalonte White.

MR. SCHROTH: Norm Schroth, representing the State of Ohio.

MR. LAM: Detective Lam, with the Cleveland Police Department.

THE COURT: Okay. Let the record reflect that Dalonte's mother and stepfather are in the hallway. They may be potential witnesses and the Prosecution has asked for a separation of witnesses. We have the Guardian ad Litem here on behalf of Dalonte.

So Prosecutor Schroth, it is your witness.

MR. SCHROTH: Thanks, Judge. At this

1 time the State will call Detective Lam.

2 **DETECTIVE DAVID LAM, Sworn.**

3 THE COURT: You have heard my little
4 introduction to my courtroom.

5 THE WITNESS: Yes.

6 THE COURT: Do you need water or
7 anything?

8 THE WITNESS: No, I'm fine.

9 THE COURT: If Norm makes you cry,
10 there's tissue here. If you need anything, just
11 let me know. Okay?

12 THE WITNESS: Okay.

13 THE COURT: All right. You may
14 proceed.

15 MR. SCHROTH: Thank you, your Honor.

16 **DIRECT EXAMINATION OF DETECTIVE DAVID LAM**

17 **BY MR. SCHROTH:**

18 Q. Good afternoon or good morning, Detective. Could you
19 please introduce yourself to the Court and Counsel?

20 A. Detective Lam, Badge 837 with the Cleveland Police
21 Department.

22 Q. How long have you worked for the Cleveland Police
23 Department?

24 A. Six years.

25 Q. And did you have any prior military or law

1 enforcement experience?

2 A. Eleven years of military experience.

3 Q. Okay. What branch?

4 A. Army National Guard.

5 Q. Okay. What did you do for the Army National Guard,
6 what was your job?

7 A. I'm still serving. I'm a Captain right now. I'm a
8 Plans Officer for an infantry battalion.

9 Q. What does that mean? What does that do?

10 A. Operations, planning future operations, specifically
11 training.

12 Q. Okay. And when you became a Cleveland Police
13 Officer, did you receive any training?

14 A. Yes, OPOTA.

15 Q. And do you know what OPOTA stands for?

16 A. Ohio Peace Officer Training Academy.

17 Q. Okay. And how long was that training for?

18 A. Approximately half a year.

19 Q. What kind of topics do you guys cover in that
20 training?

21 A. Firearms operations, self defense, driving, ORC,
22 specifically laws pertaining to search and seizure,
23 arrests.

24 Q. You name it, a little bit of everything?

25 A. A little bit of everything.

1 Q. Okay. And once you finished your preliminary
2 training, where did you go for the Cleveland Police,
3 what district were you in?

4 A. I started out in the Fifth District on the east side,
5 eventually I made my way over to the Second District
6 on the west side.

7 Q. How long were you in the Fifth for?

8 A. About half a year.

9 Q. Okay. And then when you went to the Second District,
10 what was your title, what were you doing?

11 A. Patrol Officer for about five years.

12 Q. All right. And then after patrol where'd you go?

13 A. To the Detective Bureau.

14 Q. Okay. The general Detective Bureau or anything
15 specific?

16 A. Major Crimes Detail.

17 Q. What's that, what's Major Crimes Detail?

18 A. If there's a high profile incident, that case may be
19 diverted from the regular Detective Bureau to the
20 Major Crimes Detail and then we handle the follow-up
21 investigation.

22 Q. How many folks are in that in particular specialized
23 unit?

24 A. There's four detectives and a sergeant.

25 Q. Okay. Are you familiar at all with the incident that

1 happened on April 21st, 2015 at 3255 West 54th
2 Street?

3 A. Yes, I am.

4 Q. How did you first become aware of this incident?

5 A. The incident was broadcasted via dispatch while I was
6 working with Sergeant Shoulders and Detective Moore.
7 We heard the broadcast come over the radio so we
8 responded on scene shortly after.

9 THE COURT: Can we take a quick time
10 out? Go off the record.

11 (SHORT RECESS TAKEN.)

12 Q. (BY MR. SCHROTH) All right. Back to where we left
13 off. You indicated that you heard a dispatch.
14 You're on duty and a dispatch came across regarding
15 this incident?

16 A. Yes.

17 Q. All right. Where were you when you heard the
18 dispatch?

19 A. We were in the Second District. I don't recall the
20 specific location of where we were at.

21 Q. Were you guys mobile?

22 A. Yeah, we were mobile in a detective vehicle, Crown
23 Vic.

24 Q. So was it you, Sergeant Shoulders and Detective
25 Moore?

1 A. Yes.

2 Q. All right. How long did it take you to respond, do
3 you think?

4 A. Within several minutes. An estimate, three to four
5 minutes at the most.

6 Q. Okay. And when you got there, what did you see as
7 you arrived on scene?

8 A. As we arrived on scene the EMS ambulance was on
9 scene. They had one of the victims, Colleen Allums,
10 inside the vehicle. According to the EMS medics, she
11 was bleeding profusely from the head. So their first
12 priority was transporting her to Metro Health
13 Hospital. So after EMS left --

14 Q. I'm going to hold you there. Did you observe any of
15 the bleeding yourself?

16 A. I did not.

17 Q. Okay. So you just got information from the medics?

18 A. Correct.

19 Q. So were you able to speak to Colleen on scene?

20 A. Not on scene.

21 Q. Okay. So what do you do now? What's your next step?

22 A. We speak to the responding officers, Officers
23 Harrigan and Daugenti. The first order of business
24 was going into the victim's house and clearing it to
25 ensure that there were no suspects inside.

1 So we entered the house through the front door,
2 walked up the porch, went into the front door,
3 cleared the first floor and then we cleared the
4 second floor as well.

5 Q. Okay. Did you go in every room of the house while
6 you were clearing it?

7 A. I did not personally go into every room.

8 Q. Okay. Did you or Sergeant Shoulders or Detective
9 Moore go into every part of the house?

10 A. They did not.

11 Q. Okay.

12 A. It was a team effort in clearing the house. So each
13 officer or detective would clear a certain room and
14 keep moving forward.

15 Q. Well, between the three of you was the entire house
16 cleared?

17 A. Yes.

18 Q. All right. And when you're in the house, did you go
19 in the living room at all?

20 A. I did.

21 Q. Okay. Did you go upstairs at all?

22 A. I did.

23 Q. Okay. Did you have any observations of upstairs?

24 A. There was a dog that was lying on the second floor.
25 The dog was dead. It had a bullet wound on its back.

1 Q. Okay. I'm going to show you what's been marked for
2 identification as State's 64.

3 MR. SCHROTH: Judge, if I can
4 approach?

5 THE COURT: Yes. Thank you.

6 Q. (BY MR. SCHROTH) Okay. Detective, I've handed you
7 what's been marked as State's Exhibit 64. Do you
8 recognize it?

9 A. Yes.

10 Q. What is it?

11 A. It's the dead dog that I observed with the bullet
12 wound to the back.

13 Q. Okay. I'm just going to have you, if you can just
14 circle where the bullet wound is. Put your initials
15 there, if you could, sir, and then today's date.
16 Okay. Were there any other defects in the animal
17 besides its back?

18 A. Not that I observed, no.

19 Q. Okay. All right. And State's 64, is that a true and
20 accurate depiction of what you saw?

21 A. Yes.

22 Q. Okay. All right. So the house is cleared, do you
23 observe any blood in the house at all?

24 A. Yes.

25 Q. Where is that?

1 A. There was blood on the couch that's located in the
2 front living room.

3 Q. Okay.

4 A. There's also blood that's located on the floor in the
5 living room.

6 Q. Okay. I'm going to show you State's 34. Detective,
7 I've handed you what's been marked as State's 34.
8 Does that look familiar to you?

9 A. Yes.

10 Q. How?

11 A. It's the couch that I observed in the living room and
12 blood that I observed on the couch and on the floor
13 of the living room.

14 Q. Okay. After the house is cleared, what's the next
15 step for you folks?

16 A. The responding officers began to interview Savannah
17 LaForce and Zackary Hale. While they're interviewing
18 those two victims I start canvassing the neighborhood
19 for any surveillance cameras. I was able to locate
20 one at 3263 West 54th Street. I spoke to a resident,
21 his name was Joseph Maxomovich.

22 Q. Okay. Just for the record, would that be spelled
23 M-a-x-i-m-o-v-i-c-h, does that sound right?

24 A. I think it's M-a-x-o-m-o-v-i-c-h.

25 Q. Okay. And so the location of Mr. Maxomovich's house

1 compared to the crime scene, what is their
2 relationship?

3 A. It's located south of the victim's house on the east
4 side of the street.

5 Q. So is it on the same side or a different side of the
6 street?

7 A. Same side.

8 Q. And about how many houses away is it, if you recall?

9 A. I don't recall the precise amount of houses. An
10 estimate would be four to five.

11 Q. All right. And you said is it north or south of the
12 victim's house?

13 A. It's south of the victim's house.

14 Q. Okay. And the house where this crime happened at,
15 what city is that in?

16 A. Cleveland.

17 Q. County?

18 A. Cuyahoga County.

19 Q. State?

20 A. Ohio.

21 Q. Now, what do you do at this point? How do you
22 realize that there's cameras there?

23 A. I started walking on foot, started looking at the
24 fronts of all the residences and there was a camera
25 on the front of the residence.

1 Q. You were able to observe that?

2 A. Yes.

3 Q. So what do you do when you see the camera, anything?

4 A. I knocked on the front door and spoke to Mr.
5 Maxomovich who agreed to let me into his house and we
6 started to look at his surveillance system.

7 Q. Okay. Do you look at it at that moment?

8 A. Yes.

9 Q. All right. What do you observe, if anything?

10 A. In the surveillance video it depicts several
11 juveniles in the street playing basketball. From the
12 north you can see several suspects walking towards
13 the direction of Colleen's residence. Approximately
14 30 to 60 seconds later two of those suspects flee
15 from the direction of Colleen's residence in a north,
16 northwest direction. The kids playing basketball
17 eventually disperse. After they disperse, the video
18 depicts a black male suspect limping north to south
19 on West 54th Street from the direction of Colleen's
20 residence.

21 Q. What direction are they traveling, is that suspect
22 traveling in?

23 A. He's traveling south.

24 Q. All right. Okay. So what -- when the suspect
25 appears on the camera is there anyone left in the

1 street at that time, if you recall?

2 A. Not that I can recall, no.

3 Q. Okay. All right. So what happens now? Do you do
4 anything with this video?

5 A. Yes. We take a USB drive and download the video file
6 onto the USB drive.

7 Q. Okay. Is it fair to say that the time on the video
8 is a little bit off from when the crime actually
9 happens based on 911 calls?

10 A. Yes, it is.

11 Q. Okay. All right. Is it fair, it's approximately
12 40 minutes off, 40 minutes -- it depicts a time
13 40 minutes after the actual incident happens?

14 A. Yes.

15 Q. Okay. Approximately. All right. So you obtain the
16 video on a thumb drive and what do you guys do at
17 this point?

18 A. At this point I notify the responding officers of the
19 video that we had retrieved. Based on the suspect's
20 direction of travel from Colleen's residence north to
21 south, I start retracing the suspect's direction of
22 travel to see if I could locate any evidence, such as
23 blood or anything that he may have dropped behind.

24 Q. Okay. So where does it begin, where do you start
25 your walk?

1 A. From Colleen's residence from the front porch I start
2 walking from north to south on West 54th Street.

3 Q. Did you see any blood on the porch?

4 A. Yes.

5 Q. Okay. How was that situated, how was that blood?
6 How would you describe how it's positioned on the
7 porch?

8 A. It's positioned in front of the front door of the
9 residence. It appears that when Colleen Allums went
10 onto the front porch, that's where she collapsed. So
11 it was consistent to the location where she was when
12 she was on the porch.

13 Q. Okay. Besides from where Colleen Allums was found,
14 is there any other blood on the porch?

15 A. There is not, no.

16 Q. Okay. Did you look anywhere else besides the porch?

17 A. I did.

18 Q. Okay. What did you do?

19 A. The sidewalks and streets of West 54th Street. I
20 checked the sidewalks on both sides of the street and
21 I also checked the actual street itself.

22 Q. Had you watched the video before you're doing this
23 sort of blood check or evidence check?

24 A. Yes. I watched the video previously before I started
25 checking.

1 Q. So were you aware of the direction of travel of the
2 suspect?

3 A. Yes, I was.

4 Q. Okay. Did that play any role in terms of where you
5 were looking for evidence?

6 A. It did.

7 Q. Okay. What role did it play?

8 A. I checked the street south of Colleen's residence, I
9 checked approximately one to two blocks south.

10 Q. What about sidewalks, did you check sidewalks?

11 A. I checked sidewalks on both sides of the street.

12 Q. Did you observe any evidence at all in that path of
13 travel?

14 A. I did not.

15 Q. Did you observe shell casings?

16 A. I did not.

17 Q. Did you observe blood?

18 A. No.

19 Q. Droplets of blood, any at all?

20 A. No.

21 Q. Okay. Did you even observe anything with blood in
22 that path of travel, anything at all that had blood
23 on it?

24 A. No.

25 Q. Okay. No napkins, no bandages, nothing of that

1 nature at all?

2 A. No.

3 Q. Okay. All right. So after you traced the path of
4 the suspect, what do you do at this point, if you
5 recall?

6 A. After I retraced the steps of the suspect, I go back
7 to the crime scene and start speaking with the
8 officers on scene.

9 Q. Okay. Now, when you do that, when you return back to
10 speak with the officers on scene at this very moment
11 in time that we're talking about, do you have any
12 suspects at that exact moment before you talk to any
13 of the officers on scene?

14 A. Not at that point in time, no.

15 Q. All right. So what happens now?

16 A. While on scene I spoke with Officer Schade.

17 Q. How do you spell that?

18 A. S-c-h-a-d-e.

19 Q. All right.

20 A. Officer Schade stated that there was aggravated
21 menacing and a discharging a firearm within city
22 limits complaint over the past weekend. He stated
23 that the suspects from that complaint were Dalonte
24 White and Rayvion Edwards.

25 MR. HOFFMAN: Objection.

1 THE COURT: Basis?

2 MR. HOFFMAN: Hearsay, your Honor.

3 MR. SCHROTH: It's not being used for
4 the truth, Judge. That's where he got Dalonte's
5 name from. We're not saying Dalonte actually
6 committed those offenses.

7 THE COURT: I'm going to allow it.
8 It's not offered as to whether Dalonte committed
9 this act or not.

10 MR. HOFFMAN: Okay.

11 THE COURT: You may continue.

12 Q. (BY MR. SCHROTH) Okay. What names did you receive
13 at that point in time?

14 A. Dalonte White and Rayvion Edwards.

15 Q. Okay. So what happens at this point? Now what do
16 you do? You've got two names, you spoke with this
17 officer. Do you do anything else on scene?

18 A. Not that I can recall.

19 Q. Okay.

20 A. I think that concludes everything that I did on
21 scene.

22 Q. All right. And in terms of the dispatch time is it
23 fair to say that that call came in at about
24 6:04 p.m.?

25 A. Yes.

1 Q. In terms of the timeline?

2 A. Yes.

3 Q. All right. So at that moment do you yourself speak
4 to any of the victims on scene?

5 THE COURT: Can you clarify which call
6 came in 6:04? The one with Dalonte or
7 the incident that occurred?

8 MR. SCHROTH: Yeah. Thanks, Judge.

9 Q. (BY MR. SCHROTH) The one involving this particular
10 crime, the one you're investigating?

11 A. Yes.

12 Q. That came about 6:04?

13 A. Yes.

14 Q. Okay. The menacing complaint was not from the same
15 day, right? That was the weekend before?

16 A. It was the previous weekend.

17 Q. Okay. All right. So now you leave the scene, is
18 that fair to say?

19 A. Yes.

20 Q. All right. What's the next thing that happens in
21 your investigation?

22 A. On the following day I speak with Officer Beveridge.

23 Q. And how do you spell Beveridge?

24 A. B-e-v-e-r-i-d-g-e.

25 Q. Okay. So this is on April 22nd?

1 A. April 22nd, yes.

2 Q. Okay. And why do you speak with Officer Beveridge?

3 A. He has very intimate knowledge of all the juveniles
4 and gangs on Storer Avenue. So I spoke with him
5 because he's a subject matter expert on these kids.

6 Q. Okay. And what is it that you relay to Officer
7 Beveridge?

8 A. When I spoke with Officer Beveridge we discussed the
9 home invasion and we also discussed the aggravating
10 menacing complaint and the two names that were
11 brought up, Dalonte White and Rayvion Edwards.
12 Officer Beveridge stated to me that Shetrell Harris
13 is also closely affiliated with Dalonte White and
14 Rayvion Edwards.

15 Q. Okay. So Shetrell Harris, what do you make of that
16 name now, is that a possible suspect?

17 A. Yes, that's a possible suspect.

18 Q. All right. So now what is it that you do?

19 A. Based on that information I created three photo
20 arrays of Dalonte White, Rayvion Edwards and Shetrell
21 Harris to be shown to the three victims.

22 Q. Okay. Detective Lam, Shetrell Harris, are you
23 familiar with the spelling of Shetrell Harris, just
24 for the record?

25 A. Yes.

1 Q. Can you spell that?

2 A. S-h-e-t-r-e-l-l.

3 Q. Last name?

4 A. Last name Harris, H-a-r-r-i-s.

5 Q. Shetrell Harris, is that a male or a female?

6 A. That's a male.

7 Q. Okay. Are you aware if Shetrell Harris has any
8 nicknames?

9 A. Poohead.

10 Q. Poohead?

11 A. Yes.

12 Q. Okay. I'm going to show you what's been marked for
13 identification purposes as State's 201. All right.

14 I've handed you what's been marked for
15 identification purposes as State's 201. Does that
16 photograph look familiar to you at all, Detective?

17 A. Yes.

18 Q. How is that familiar?

19 A. That's Shetrell Harris.

20 Q. Okay. Jumping ahead a minute. In terms of your
21 investigation, do you do anything with that
22 particular photograph? Did you ever show that
23 photograph to anyone?

24 A. I did.

25 Q. Okay. Who did you show it to?

1 A. Edward Bunch.

2 Q. All right. Now, in terms of the timeline of the
3 investigation, we're back on April 22nd, 2015 and I
4 think you indicated you now have three persons of
5 interest, Dalonte White, Rayvion Edwards and Shetrell
6 Harris, Poohead, is that correct?

7 A. Yes.

8 Q. Okay. So what happens now?

9 A. I created three photo arrays which were eventually
10 shown to all three victims.

11 Q. All right. In terms of the photo arrays, when you
12 create the arrays, Detective, where is it you get the
13 different pictures from for comparison purposes?

14 A. Through OLEG.

15 Q. And what's that?

16 A. I believe it stands for Ohio Law Enforcement Gateway.

17 Q. Okay. And what are you trying to do when you're
18 creating a photo array?

19 A. You take your person of interest and his or her
20 physical characteristics, such as gender, race,
21 height, weight, hair color, eye color. You input it
22 into the database to retrieve other people that share
23 similar physical characteristics.

24 Q. Okay. And in terms of your placement of the suspect,
25 if you're doing multiple photo arrays, is that always

1 going to be in the same location?

2 A. No.

3 Q. What do you mean no, what do you do?

4 THE COURT: I'm not sure what you mean
5 by that.

6 Q. (BY MR. SCHROTH) You created three photo arrays in
7 this instance, is that correct?

8 A. Yes.

9 Q. Did you put the suspects in the same location in
10 every similar photo array that they're in?

11 A. I did not.

12 Q. Okay. And why is it you move them around for
13 different witnesses?

14 A. Just to vary the location of the person of interest
15 versus the other people.

16 Q. Okay. So for example, I'm showing you State's 79 and
17 109. Detective, does State's 79 look familiar?

18 A. Yes.

19 Q. What's that?

20 A. This is the photo array with Dalonte White in it.

21 Q. Who is that shown to?

22 A. Zackary Hale.

23 Q. And then I'm showing you State's Exhibit 109. Does
24 that look familiar?

25 A. Yes.

1 Q. What's that?

2 A. A photo array of Dalonte White.

3 Q. All right. Can you tell from that array who that was
4 shown to?

5 A. Colleen Allums.

6 Q. Okay. Now, where is Dalonte White positioned in
7 State's 79?

8 A. Top right corner.

9 Q. Okay. And where is Dalonte White positioned in
10 State's 109?

11 A. Top left corner.

12 Q. All right. So you created the photo arrays on
13 April 22nd. Do you do anything with them on that
14 particular day?

15 A. Not that particular day, no.

16 Q. Okay. So when is it you do something with those
17 photo arrays?

18 A. I believe it was April 23rd. It's in my police
19 report, but Sergeant Shoulders and I go and interview
20 Zackary Hale and Savannah LaForce.

21 Q. This is April 23rd, so this is what, two days after
22 the crime?

23 A. Two days after the crime.

24 Q. So now, when you do that, where is it you interview
25 Savannah LaForce at?

1 A. At their residence.

2 Q. Okay. And where do you interview Zackary Hale at?

3 A. He's also at her residence.

4 Q. So they're at the same location?

5 A. Yes.

6 Q. All right. Take us through that interview process,
7 how is that done?

8 A. The first thing we did is we requested a marked
9 patrol car with two officers to come show the photo
10 arrays to the victims.

11 Q. Why do you do that?

12 A. Because they're blind administrators. They have no
13 knowledge of the case or the suspects.

14 Q. Why is that important?

15 A. They're impartial. They can't influence the victim
16 on selecting a specific person.

17 Q. Okay. So you request -- how many patrol cars?

18 A. One patrol car with two officers inside.

19 Q. Okay. What happens now?

20 A. The patrol officers show the photo arrays to Zackary
21 and Savannah. After the photo arrays were shown,
22 Sergeant Shoulders and I took Savannah into our
23 detective car and we interviewed her.

24 Q. How many arrays were shown to Savannah and to
25 Zackary?

1 A. Three photo arrays for each person.

2 Q. Did you become aware of the results of those three
3 photo arrays?

4 A. Yes.

5 Q. Okay. What were the results for Zackary?

6 A. He identified the photo array that had Dalonte White
7 in it.

8 Q. And are you aware if there was a certain percentage
9 that was noted in terms of his certainty?

10 A. Not that I can recall.

11 Q. Well, in terms of the arrays, would it be noted if
12 there was a certain percentage given in terms of
13 their certainty?

14 A. Yes.

15 Q. All right. Did you obtain these sheets from the
16 blind administrator?

17 A. Yes, I did.

18 Q. Okay. I'm going to show you State's 78. Handing you
19 what's been marked for identification purposes as
20 State's 78, what is that sheet? Does that sheet look
21 familiar?

22 A. Yes, it does.

23 Q. How so?

24 A. Zackary Hale and the administrator that conducted the
25 photo array completed this sheet.

1 Q. And does it indicate Zackary's percentage on there?

2 A. It does.

3 Q. And what's that?

4 A. 70%.

5 Q. Okay. And did Zackary make any identifications on
6 the other two photo arrays?

7 A. No, he did not.

8 Q. All right. Did you become aware of the results for
9 Savannah LaForce?

10 A. Yes.

11 Q. And did she make any identifications?

12 A. She did. The photo array that had Dalonte White in
13 it.

14 Q. Okay. And was there a percentage noted on hers?

15 A. 100%.

16 Q. Okay. I'm handing you State's 93. Does State's 93
17 look familiar?

18 A. Yes, it does.

19 Q. And who is that for?

20 A. Savannah LaForce.

21 Q. Okay.

22 THE COURT: What was the number on
23 that? I'm sorry.

24 MR. SCHROTH: Exhibit 93.

25 THE COURT: Thank you.

1 Q. (BY MR. SCHROTH) And what does that indicate? What
2 percentage is indicated there?

3 A. 100%.

4 Q. All right. I'm going to hand you State's 94 as well,
5 Detective. State's 94, is that familiar?

6 A. Yes.

7 Q. Okay. Whose array is 94?

8 A. Savannah LaForce.

9 Q. And who is identified, if anyone, in that photo
10 array?

11 A. Dalonte White.

12 Q. All right. And where is Dalonte White located in
13 that photo array?

14 A. Top center.

15 Q. Okay. Is that the same or different than where he
16 was located in State's 79 and 109?

17 A. It's different.

18 Q. How so?

19 A. They're all each in a different location.

20 Q. Okay. Now, what happens after the arrays are done
21 with Savannah and Zackary?

22 A. Sergeant Shoulders and I interviewed Savannah LaForce
23 in our detective car.

24 Q. Okay. And was that interview reduced to writing or
25 audio recorded at all?

1 A. It was recorded, audio.

2 Q. Okay. And was Zackary interviewed as well that day?

3 A. Not an audio statement. He indicated that he didn't
4 have much information to provide. So no audio
5 statement was taken on that specific day.

6 Q. Okay. But did you speak with him at all on that
7 particular day?

8 A. Yes.

9 Q. Okay. All right. Now, what happens in terms of the
10 investigation?

11 A. At this point since Dalonte -- let me back up. On
12 the following day, Sergeant Shoulders, Detective
13 Moore and myself go to Metro Hospital to interview
14 Colleen Allums and also to show her the photo arrays.

15 Q. All right. So this is April 24th?

16 A. Yes.

17 Q. Okay. And take us through, how is that process done,
18 the photo array with Colleen?

19 A. The first thing we did is we requested a marked
20 patrol car to respond to the hospital so he could
21 show the photo arrays to Colleen Allums.

22 Q. And how many photo arrays in total are shown to her?

23 A. Three.

24 Q. Does she make any identifications?

25 A. She does.

1 Q. Okay. How many?

2 A. One identification.

3 Q. On who?

4 A. Dalonte White.

5 Q. All right. And do you recall her level of certainty
6 in her identification?

7 A. She stated 100%.

8 Q. All right. I'm going to show you State's 108.

9 Handing you State's 108, does that look familiar?

10 A. Yes.

11 Q. How?

12 A. Colleen Allums completed this.

13 Q. Does it indicate her level of certainty on there?

14 A. 100%.

15 Q. All right. Now, other than the photo arrays, do you
16 have any conversation with Colleen about what
17 happened?

18 A. Yes, we interview her and it was recorded as well.

19 Q. Okay. All right. Now, at this point you indicated
20 before you had seen the video? I'm backing up a
21 minute. The video of the crime itself from the
22 neighbors, you had seen it up to this point in time?

23 A. Had I seen it up to this point in time?

24 Q. Yeah. You had seen the video from -- I'm sort of
25 jumping back to the 21st. You had watched the video

1 on that day?

2 A. Yes.

3 Q. Okay. All right. And were you part of that
4 retrieval process?

5 A. I was.

6 Q. I'm just going to play for you State's 120. Can you
7 see that from there, Detective?

8 A. Yes.

9 Q. Okay. Detective, on State's 120 I'm going to
10 begin -- well, first, what we see on the screen,
11 State's 120, does that look familiar?

12 A. It does.

13 Q. How is that familiar to you?

14 A. It depicts West 54th Street with several juveniles
15 playing basketball in the street.

16 Q. All right. Is there a date listed on that?

17 A. April 21st, 2015.

18 Q. And in terms of that street, I mean, does that street
19 itself look familiar, does the video itself look
20 familiar to you?

21 A. It does.

22 Q. How?

23 A. I responded on scene on the same day.

24 Q. I mean, does this look like the video you retrieved
25 on that day?

1 A. Yes.

2 Q. Okay. All right. I'm going to start State's 120
3 using -- just for the record, there's essentially two
4 time counters, one on the bottom that's at 36:53 and
5 there's a time in terms of what would be like the
6 clock, the daylight time which we understand is
7 incorrect, but for purposes of the record this is at
8 6:37:42 seconds p.m., this is where I'll start the
9 video.

10 (Playing State's Exhibit 120.)

11 Q. (BY MR. SCHROTH) Detective, what do we see happening
12 in the video at this point?

13 A. There's several juveniles playing basketball in the
14 street, traffic moving down the street as well.

15 Q. Several, how many do you see?

16 A. Three.

17 Q. Is it fair to say, Detective, that north in terms of
18 direction would be to the right of State's 120 where
19 this street goes?

20 A. Yes.

21 Q. And south is to the left?

22 A. Yes.

23 Q. All right. What do we see, stopping at the time of
24 6:39:19? What do we see?

25 A. Two suspects running away from the direction of

1 Colleen's residence.

2 Q. What direction are they going?

3 A. They're going from east to west, so west, northwest
4 direction.

5 Q. And could you see at all where they went on that
6 video, Detective?

7 A. Looks like they went westbound through the alleyway
8 just located to the north of Colleen's residence.

9 Q. Okay. So westbound, as you're looking at this, would
10 be to your right or your left?

11 A. Westbound would be to the left.

12 Q. Okay. Now, what's happening?

13 A. Three juveniles running away from the basketball
14 hoop.

15 Q. We're at 6:39:42. All right. Now, what are we
16 seeing here?

17 A. That's the suspect limping away from north to south.
18 He has what appears to be a firearm in his right hand
19 and if you play the video, he'll be concealing the
20 firearm into his waistband.

21 Q. Okay. We're at the 6:40:17 p.m. And which way does
22 the suspect travel?

23 A. From north to south.

24 Q. And in terms of the limping. And I'll stop it at
25 6:40:24 p.m. You see there's a limp. What leg does

1 it appear to be on?

2 A. It appears to be the right leg.

3 Q. Okay. And is there anything significant that happens
4 from this point on in the video?

5 A. No, nothing significant.

6 Q. Okay. How would you categorize the way he's walking,
7 the suspect?

8 A. He's limping north to south I would say pretty
9 casually.

10 Q. All right. What do you mean by casually?

11 A. Doesn't look like he's in a rush. He's not running
12 away.

13 Q. Okay. All right. Backing up to your investigation.
14 Okay. So now we are at -- we left off on April 24th,
15 2015, you had spoken with Colleen, is that right?

16 A. Yes.

17 Q. Okay. Does anything happen now after this point in
18 terms of your investigation? Like what do you do
19 next? Does it stop there?

20 A. No. So based on the positive identification from all
21 three victims, we speak with the Prosecutors and we
22 obtain an arrest warrant for Dalonte White and a
23 search warrant for his residence.

24 Q. Okay. Do you know what day that is, by any chance?

25 A. I don't recall.

1 Q. Okay. So what's the next step after you receive the
2 arrest warrant and the search warrant, what do you do
3 at this point?

4 A. On the day that we executed the arrest and search
5 warrant we received information that Dalonte White
6 was possibly located at a residence on West 58th
7 Street.

8 Q. Actually, let me back up for one second, Detective.
9 In terms of the timeline, the dates that you get the
10 arrest warrant and the search warrant, would that be
11 something that's in your report?

12 A. It is.

13 Q. Would it help you to remember the date of that?

14 A. Say that again?

15 Q. Would your report help you to remember the date of
16 that?

17 A. It would.

18 Q. Okay. Don't read it out loud, Detective. Just look
19 in there and see if the date is located in there.

20 A. Yes, the date's in here.

21 Q. Okay. What date was that?

22 A. April 28th, 2015.

23 Q. Okay. April 28th. Now, prior to April 28th -- I
24 want to back up for a minute in terms of April 24th.
25 Are you aware if anything was done by other officers

1 in terms of this investigation?

2 A. On April 24th?

3 Q. Yeah. Correct.

4 A. Not that I can recall.

5 Q. Did there come a time where you had received
6 photographs from patrol officers that were taken of
7 Dalonte White on the 24th of April?

8 A. Yes.

9 Q. You did?

10 A. I did.

11 Q. Okay. Did you receive those photographs?

12 A. Yes, I did.

13 Q. Did you talk to those officers about how they got
14 those photographs, what were the circumstances of
15 that?

16 A. Briefly. I'm not familiar with the specific
17 circumstances.

18 Q. Just the overview? Like what happened?

19 A. One of the patrol officers observed Dalonte White in
20 the neighborhood so they stopped him, spoke with him
21 and took several photographs of Dalonte White.

22 Q. Okay. And did they take photographs of anyone else
23 besides Dalonte?

24 A. Yes.

25 Q. Who was that?

1 A. Shetrell Harris and his brother, Cedric Harris.

2 Q. Okay. And is it fair to say that you received those
3 photographs?

4 A. Yes.

5 Q. Okay. I'm going to show you State's 70, 71 and 72
6 and then two exhibits that had been identified
7 previously, 200 and 201. All right.

8 THE COURT: Thank you.

9 MR. SCHROTH: Thanks, Judge.

10 Q. (BY MR. SCHROTH) We'll take these one at a time,
11 Detective. State's 70, does that look familiar?

12 A. Yes.

13 Q. Okay. What do we see there? How is that familiar?

14 A. Dalonte White is depicted in the picture.

15 Q. All right. And is there a date that it was taken on
16 there?

17 A. April 24th, 2015.

18 Q. Okay. And I think there's -- don't read them into
19 the record, but there's some identifiers for him as
20 well, his Social Security Number and date of birth
21 are on there sort of?

22 A. Yes. It's cut off, but it's on here.

23 Q. Okay. What's in that picture, what part of Dalonte?

24 A. His face and upper body.

25 Q. All right. Does it have his face, does it have --

1 like can you see his hair?

2 A. Yes.

3 Q. Describe for us what that looks like?

4 A. It look likes dreadlocks to me.

5 Q. Okay. And State's 71, does that look familiar to
6 you?

7 A. Yes.

8 Q. What do we see there? Let me ask you this, how many
9 photos are on State's 71?

10 A. There's two photos.

11 Q. And do those both look familiar to you?

12 A. Yes, it does.

13 Q. And what are they?

14 A. The photo on the left is a picture of Dalonte's left
15 leg. The picture on the right is a pair of white
16 tennis shoes that he was wearing.

17 Q. Okay. And State's 72, how many photos are there?

18 A. Three photos.

19 Q. Let's take them one at a time. In the upper left
20 hand corner of State's 72, what's that a photo of?

21 A. A photo of Dalonte White's lower body.

22 Q. Okay. What part of his lower body?

23 A. About the waistline down.

24 Q. All right.

25 A. And legs.

1 Q. And are they both legs or one leg?

2 A. Both legs.

3 Q. Okay. What's in the lower left hand corner of
4 State's 72?

5 A. A photo of Dalonte White's right leg.

6 Q. Okay. Do you see anything there?

7 A. No.

8 Q. Any injuries?

9 A. Does not appear to be any injuries.

10 Q. All right. And in the lower, the last photo I think
11 in the lower right hand corner of State's 72, what's
12 that?

13 A. A photograph of both legs of Dalonte White.

14 Q. Okay. Are the shoes on or off in that?

15 A. Shoes are off.

16 Q. Any injuries in that, does it appear?

17 A. It does not appear.

18 Q. Okay. And just the lower left corner of State's 72,
19 are his shoes on or off?

20 A. His shoes are off.

21 Q. Okay. State's 200, does that look familiar?

22 A. Yes.

23 Q. What do we see in State's 200?

24 A. It's a photo of Cedric Harris.

25 Q. Okay. And State's 201?

1 A. This is a photo of Shetrell Harris.

2 Q. Poohead?

3 A. Poohead.

4 Q. Okay. And to your knowledge, were these three
5 individuals together at the time the photos were
6 taken or don't you know?

7 A. I don't know.

8 Q. Okay. And this is April 24th, right, these were
9 taken?

10 A. Yes.

11 Q. Okay. And these are true copies and accurate copies
12 of what you -- you didn't see it yourself, but what
13 you received from the police?

14 A. Yes, that's what I received.

15 Q. Okay. All right. Back to where we were April 28th,
16 I believe is where we left off in terms of your
17 personal investigation. What happens on that day?

18 A. We receive information from one of the residents in
19 that neighborhood, she stated that Dalonte White was
20 seen in a residence located on West 58th Street.

21 Q. All right. West 58th Street?

22 A. Yes.

23 Q. Okay. So what do you do at this point?

24 A. Sergeant Shoulders, Detective Moore and myself go to
25 that residence. It's 3483 West 58th Street. So as

1 we approach the residence we began knocking on the
2 side door, two juveniles open the door.

3 Q. Who is that? Do you ever come to learn who those
4 people are?

5 A. Rayvion Edwards and Daisyonna Mikula.

6 Q. And if you can, just for the record, can you spell
7 those names?

8 A. Yes. Rayvion, R-a-y-v-i-o-n, Edwards, E-d-w-a-r-d-s.
9 Daisyonna, D-a-i-s-y-o-n-n-a, last name Mikula,
10 M-i-k-u-l-a.

11 Q. All right. So those two juveniles are at the
12 residence?

13 A. Yes, they are.

14 Q. Any adults there?

15 A. There were no adults present.

16 Q. All right. Do you interact with these two
17 individuals?

18 A. Yes.

19 Q. Okay. So what happens at this point in time?

20 A. At that point in time we detained both juveniles,
21 explained to them what was going on. They were
22 willing to go back to the police station and give us
23 a statement on their knowledge of what they knew in
24 regards to this home invasion on West 54th Street.

25 Q. All right. Do you learn the relationship between

1 Daisyonna and Rayvion?

2 A. Yes. They're boyfriend/girlfriend relationship.

3 Q. Okay. And on that day, do you actually get a full
4 interview from Daisyonna?

5 A. Later in that evening we do.

6 Q. Okay. And do you get a full interview later in that
7 evening from Rayvion?

8 A. Yes.

9 Q. All right. Okay. You said later that evening, what
10 happens at this point in time, they're detained,
11 you're at the residence of 3483 West 58th, what do
12 you do now?

13 A. They let us check the residence. Dalonte White was
14 not at the residence. Daisyonna then stated to us
15 that he may have been at --

16 MR. HOFFMAN: Objection.

17 MR. SCHROTH: This is for what they
18 know.

19 THE COURT: Basis?

20 MR. HOFFMAN: Just hearsay, your
21 Honor.

22 THE COURT: I'll allow it. Go ahead.

23 Q. (BY MR. SCHROTH) What did Daisyonna indicate at that
24 time?

25 A. She stated to us that Dalonte White was possibly at

1 Tootie's house.

2 THE COURT: At whose house?

3 THE WITNESS: Tootie's. T-o-o-t-i-e.

4 Q. (BY MR. SCHROTH) Like in that TV show?

5 A. We eventually ID and find out who Tootie is.

6 Q. Who is Tootie? If you look at your report, would it
7 help refresh your memory?

8 A. It would. Rochelle Harris.

9 THE COURT: Who's that?

10 THE WITNESS: Rochelle,
11 R-o-c-h-e-l-l-e. Harris.

12 Q. (BY MR. SCHROTH) Okay. So where is Rochelle Harris
13 located? What address would that be?

14 A. I'm mistaken. It's actually Rochelle Rivera, not
15 Rochelle Harris.

16 Q. All right. Rivera, R-i-v-e-r-a?

17 A. Yes.

18 Q. Tootie, that's Rochelle?

19 A. That's Rochelle Rivera.

20 Q. Do you learn what address that is?

21 A. It's on West 61st Street.

22 Q. Do you get an address for it?

23 A. I did. 3250 West 61st Street.

24 Q. Okay. Armed with that information, what do you do
25 now?

1 A. We go over to that residence, knocked on the front
2 door and the side door and received no response.

3 Q. All right. So what happens now?

4 A. At this point in time we go to Dalonte White's
5 residence to execute the arrest and search warrant.

6 Q. Now, how come you didn't go there first to his
7 residence?

8 A. Because we received information from one of the
9 citizens that he was at the house on West 58th
10 Street.

11 Q. Oh, so you thought he was somewhere else at this
12 time?

13 A. Right. So we didn't want to go to his residence and
14 tip him off that we were looking for him.

15 Q. I see. All right. Where is Mr. White's residence?

16 A. 3347 West 59th Place.

17 Q. All right. 3483 West 58th Street, how far is that
18 from -- now, this is the first residence you went to.
19 How far is that from where Daisyonna and Rayvion --
20 or how far is that from the location of the crime?

21 A. Location of the crime?

22 Q. Yeah.

23 A. An estimate would be five to six blocks away.

24 Q. So is it far or is it close?

25 A. It's relatively close.

1 Q. And Dalonte White lives where?

2 A. 3347 West 59th Place.

3 Q. Do you know how far that is from the scene of the
4 home invasion?

5 A. Three to four blocks away.

6 Q. Okay. So what happens? You then go to Mr. White's
7 house, what happens then?

8 A. As we approach the house, we announce that we're the
9 police, we have an arrest warrant and search warrant
10 for Dalonte White. Mr. White's mother was on the
11 porch so she was the first person that we interacted
12 with and informed her of the nature of our visit.

13 Q. What did you tell her? What did you tell his mom,
14 why did you say you were there?

15 A. We had an arrest warrant for her son and we had a
16 search warrant for her house.

17 Q. Did you tell her the underlying circumstances, like
18 why?

19 A. Not at that particular time, no.

20 Q. Okay. So now what happens? You're at the house, is
21 Mr. White there?

22 A. Yes, he is. He's in the front bedroom.

23 Q. And what's your interaction like with Mr. White?

24 A. Brief interaction. We informed Mr. White that we had
25 an arrest warrant for him, a search warrant for his

1 house. Mr. White was placed in handcuffs, he was
2 escorted outside to the rear of one of the patrol
3 cars.

4 Q. Okay. Did you pat him down for weapons or anything
5 like that?

6 A. Yes.

7 Q. Any weapons found?

8 A. No weapons were found on him.

9 Q. Okay. The search warrant, do you execute the search
10 warrant?

11 A. Yes.

12 Q. And do you find anything?

13 A. Yes. We recover a black North Face jacket, a cell
14 phone, a pink sock containing stones.

15 Q. What stones, what do you mean?

16 A. Rocks, pebbles inside a pink sock all tied up.

17 Q. Okay. Why do you collect that?

18 A. We confiscated it because we had reason to believe
19 that that was a potential weapon that may have been
20 used for other crimes.

21 Q. Oh, okay. And you take the North Face jacket?

22 A. Yes.

23 Q. All right. Now, do you do anything in terms of --
24 during the course of the investigation, is anything
25 done at all with the cell phone?

1 A. Yes, I obtained a search warrant for two of the cell
2 phones. Those cell phones were taken to our
3 narcotics unit for analysis. They're still currently
4 working on breaking the cell phones in regards to the
5 password or pass code on the phones.

6 Q. Okay. So they're still pending?

7 A. Yes.

8 Q. And then the North Face jacket, do you do anything
9 with that?

10 A. Yes. That was submitted to BCI for DNA analysis to
11 compare it with Mr. White's DNA.

12 Q. Why did you collect the North Face jacket?

13 A. Because when I had originally viewed the surveillance
14 video it appeared to be a dark colored jacket,
15 possibly a North Face jacket.

16 Q. Okay. I'm sorry. What did you say you did with the
17 jacket?

18 A. Submitted it to BCI for DNA analysis.

19 Q. All right. Are you aware of what those results were?

20 A. The results were positive for Mr. White's DNA on the
21 jacket.

22 Q. Okay. The Mr. White that you arrested, is he present
23 at all today?

24 A. He is.

25 Q. Could you just indicate where he is located and what

1 he's wearing?

2 A. He's seated to my left, black afro, he's wearing a
3 dark colored sweatshirt, blue pants, orange-yellowish
4 sandals.

5 MR. SCHROTH: All right. Judge, I'd
6 ask the record to reflect that he's identified
7 the alleged delinquent.

8 THE COURT: Yes. So identified.

9 Q. (BY MR. SCHROTH) Okay. What was his hair like when
10 you arrested him?

11 A. He had dreadlocks that were sticking up.

12 Q. Okay. So was it the same or different than what we
13 see today?

14 A. It's different than what we see today.

15 Q. All right. Okay. And does anything else happen? I
16 think you mentioned before you interviewed Daisyonna
17 and Rayvion at the station?

18 A. Yes.

19 Q. Okay. After those interviews are done, what do you
20 do, if anything, with those two individuals?

21 A. They were released back to their parents or
22 guardians.

23 Q. Now, after their interviews, what do you do in the
24 investigation?

25 A. After their interviews I created two additional photo

1 arrays.

2 Q. Of who?

3 A. Edward Bunch and Romell Thomas.

4 Q. Do you -- after you speak with Rayvion and Daisyonna,
5 do you speak with any officers?

6 A. Yes.

7 Q. Who is that?

8 A. Patrol Officer McCoy.

9 Q. Okay. What about before you speak with McCoy?

10 A. Not that I can recall.

11 Q. Okay. Do you put every step of your investigation in
12 your police report?

13 A. Yes.

14 Q. Would it assist you in remembering if you did
15 anything if you looked at your report?

16 A. It will.

17 Q. Okay. Is your memory refreshed?

18 A. It is.

19 Q. Okay. After the interviews with Daisyonna and
20 Rayvion, do you talk to anybody?

21 A. I spoke with Officer Beveridge again.

22 Q. Okay. Why is that?

23 A. He has intimate knowledge of the juveniles on Storer
24 Avenue.

25 Q. And does he help you in terms of identifying anyone?

1 A. Yes. Romell and Scooby are now identified.

2 Q. So you learned the name Romell?

3 A. Yes.

4 Q. Okay. When did you learn the name Romell?

5 A. Through my interviews with Daisyonna Mikula.

6 Q. And so did you come to learn who Romell is?

7 A. Yes.

8 Q. Who's that?

9 A. Romell Thomas.

10 Q. How do you spell Romell?

11 A. R-o-m-e-l-l.

12 Q. And based on your discussions, your interviews with
13 Rayvion and Daisyonna, do you learn any other names?
14 You get Romell, did you learn any other names at all,
15 any other suspect names?

16 A. No.

17 Q. Are you familiar with the name Scooby?

18 A. I am.

19 Q. Okay. How did you become familiar with the name
20 Scooby?

21 A. Through my interview with Daisyonna and Rayvion.

22 Q. Okay. Do you ever learn the identity, the government
23 name of Scooby?

24 A. Yes.

25 Q. What's that?

1 A. It's Jo'veon Owens.

2 Q. How do you spell Jo'veon?

3 A. J-o--'-v-o-n.

4 Q. Okay. Owens is spelled just like Jesse Owens,
5 O-w-e-n-s?

6 A. Yes.

7 Q. Okay. Now, you had mentioned an Officer McCoy?

8 A. Yes.

9 Q. All right. When does that happen?

10 A. On May 1st.

11 Q. Okay. Just to get that timeline straight in my head,
12 the interviews and the search warrant, those are done
13 on the same day, is that right?

14 A. Yes.

15 Q. Okay. That's April 28th?

16 A. Yes.

17 Q. Okay. When do you talk to Officer McCoy?

18 A. On May 1st.

19 Q. Okay. And what do you learn from him?

20 A. I learn that he and his partner, Officer Katynski,
21 arrested Edward Bunch for GTMV and RSP.

22 Q. What's that, what's GTMV?

23 A. Grand theft motor vehicle, receiving stolen property.

24 Q. All right. And why is that important? So you
25 learned he got arrested for being in a stolen car?

1 A. They also discovered that on April 21st he suffered a
2 gunshot wound to his right ankle as well.

3 Q. Okay. And why is that important for you?

4 A. That's important to me because now Mr. Bunch is a
5 person of interest in relation to this home invasion
6 because on the same date and the same approximate
7 timeframe that this home invasion occurred Mr. Bunch
8 suffered a gunshot wound to his right ankle. So
9 there were some similarities between Mr. Bunch and
10 the incident on West 54th Street.

11 Q. All right. So now what do you do with these -- you
12 got some new names, what's the next step in the
13 investigation?

14 A. Based on my interaction with Officer McCoy and the
15 interviews with Daisyonna and Rayvion, I created two
16 additional photo arrays of Romell Thomas and Edward
17 Bunch.

18 Q. All right. You have two new photo arrays, is that
19 what you're saying?

20 A. Yes.

21 Q. So now you're armed with two new photo arrays, what
22 do you do and when do you do it?

23 A. On May 13th, 2015 I was able to get in contact with
24 the three victims from the home invasion. They
25 agreed to the come to the Second District Police

1 Station to take a look at the two photo arrays that I
2 created.

3 Q. And in terms of -- can you just walk us through that
4 process? Do all three victims come down at the same
5 time?

6 A. Yes.

7 Q. All right. How are those arrays administered?

8 A. By blind administrators. Detectives in the Detective
9 Bureau that had no knowledge about the case
10 administered those photo arrays.

11 Q. Okay. Now, at the time did you become aware of the
12 results of those arrays?

13 A. Yes.

14 Q. All right. And at that time what did you learn of
15 the results of the arrays? Were there any
16 identifications made by any of the witnesses?

17 A. Yes, Zackary Hale made two identifications.

18 Q. Okay. Do you know who it was he identified?

19 A. I don't recall. I would need to reference the photo
20 arrays.

21 Q. Okay. We will do these one at a time. I'm going to
22 hand you State's 84, 85 and 86.

23 MR. SCHROTH: Judge, this is 84, 85
24 and 86.

25 THE COURT: Thank you.

1 Q. (BY MR. SCHROTH) All right. I'm going to start with
2 State's 85. Does that look familiar?

3 A. Yes, it does.

4 Q. How is that familiar?

5 A. It's the identification that Zackary Hale made on
6 this photo array.

7 Q. Where is that person located in State's 85?

8 A. Top center.

9 Q. Okay. I'm going to hand you State's 86. Does that
10 look familiar?

11 A. Yes, it does.

12 Q. So is that sort of the answer key for 85?

13 A. Yes.

14 Q. Who is it that Zackary identified?

15 A. Shiloh Smalls-Moore.

16 Q. Could you spell that, just for the record?

17 A. Shiloh, S-h-i-l-o-h, last name Smalls, S-m-a-l-l-s
18 M-o-o-r-e.

19 Q. And was he a person of interest in this?

20 A. He was not.

21 Q. He's a filler?

22 A. He was a filler.

23 Q. Okay. Handing you State's 84, does that look
24 familiar to you?

25 A. Yes, it does.

1 Q. All right. What is it?

2 A. Zackary Hale completed this identification sheet.

3 Q. Okay. Does it have his level of certainty?

4 A. 80%.

5 Q. Okay. And that's State's 84. Retracing on State's
6 85, what's the hairstyle like on the person he
7 indicated?

8 A. On 85?

9 Q. Yeah.

10 A. Dreadlocks.

11 Q. Okay. And the person of interest was who in this
12 photo array?

13 A. It was Romell Thomas as a person of interest.

14 Q. And on State's 85, where is Romell Thomas located?

15 A. Top right corner.

16 Q. Okay. Was he identified?

17 A. He was not.

18 Q. All right. And then I think I said Zackary was shown
19 two arrays, is that right?

20 A. Yes.

21 Q. Do you know if he made identification on another
22 array?

23 A. He did.

24 Q. Okay. I'm going to hand you 87, 88 and 89. I'm
25 handing you State's 88. To be fair, you received all

1 of these. You didn't administer them but you
2 received the results and all of these?

3 A. That's correct.

4 Q. Okay. State's 88, is that familiar?

5 A. Yes, it is.

6 Q. And what's that?

7 A. Identification made by Zackary Hale on Edward Bunch.

8 Q. And where is Mr. Bunch located in there?

9 A. Top right corner.

10 Q. Okay. I'm just going to hand you State's 87. Does
11 that look familiar, State's 87?

12 A. It does.

13 Q. And what's that?

14 A. This was completed by Zackary Hale, it's the
15 identification sheet.

16 Q. All right. Does it have a level of certainty?

17 A. 90%.

18 Q. Okay. Now, at that time were you aware of any
19 identifications by any of the other witnesses?

20 A. I was aware of the results.

21 Q. And what were the results as you came to know them at
22 that time?

23 A. No identifications were made.

24 Q. Okay. What was your impression at that time in terms
25 of whether the other witnesses identified anyone at

1 all at that time? Did you think that the other
2 witnesses did not identify anyone at that point in
3 time?

4 A. Yes, that's correct. That was my impression.

5 Q. And how many administrators were used on this
6 particular day?

7 A. Three administrators.

8 Q. And this is what, May 13th, is that right?

9 A. May 13th, yes.

10 Q. Okay. So are you saying that each witness had a
11 different administrator?

12 A. That's correct.

13 Q. Okay. What's your next step in the investigation
14 now?

15 A. I obtained search warrants for two of the cell phones
16 that were recovered from the search warrant. I also
17 obtained a search warrant for Mr. White's Facebook
18 account.

19 Q. What day was that? And if it helps you refresh your
20 memory in your report.

21 A. June 12th, 2015.

22 Q. Okay. Just for the sake of completeness, you
23 interviewed Colleen on one more time just on the
24 10th, is that right?

25 A. Yes, I did.

1 Q. All right. So on the 12th you get a search warrant
2 for Mr. White's Facebook account. Did you ever
3 receive that back?

4 A. Yes, I received the results of that search warrant.

5 Q. Okay. I'm going to show you what's been marked for
6 identification as State's 202.

7 MR. HOFFMAN: Your Honor, for the
8 record, we would object to this exhibit on
9 grounds that the date of the photographs on
10 there as provided in other evidence by the State
11 are clearly wrong. The photographs come from
12 approximately March of 2014.

13 I think they attempt to show character
14 evidence of my client rather than actual suspect
15 information from the case in hand. I think that
16 would be the basis of my objection. The
17 photograph is actually from March of 2015, not
18 the date depicted on the time stamp from
19 Facebook.

20 THE COURT: Response?

21 MR. SCHROTH: Thanks, Judge. Yes.
22 This is a profile photo that's uploaded on the
23 day of the incident, on April 21st. And the
24 reason I think it's important is it shows Mr.
25 White wearing another North Face jacket that

1 also looks similar to what's depicted in the
2 still frames on the video.

3 THE COURT: I believe it's going to go
4 to weight and not admissibility so I will permit
5 it and then you may cross-examine.

6 MR. HOFFMAN: Thank you.

7 THE COURT: Can we go off the record
8 for a quick second?

9 (Short recess taken.)

10 THE COURT: We are back on the record
11 with Dalonte White, Case No. DL 15105751. We
12 broke so that Dalonte could get some food. Did
13 you eat, Dalonte?

14 MR. WHITE: Mm-hmm.

15 THE COURT: Was it good?

16 MR. WHITE: Yeah.

17 THE COURT: All right. Say your name
18 for the record.

19 MR. WHITE: Dalonte White.

20 MR. LAWSON: John Lawson, Guardian ad
21 Litem.

22 MR. HOFFMAN: Brian Hoffman, Assistant
23 Public Defender, representing Dalonte White.

24 MR. SCHROTH: Norm Schroth,
25 representing the State of Ohio.

1 MR. LAM: Detective Lam, with the
2 Cleveland Police Department.

3 THE COURT: All right. Detective Lam
4 is in the middle of his direct testimony.
5 Prosecutor, you may proceed.

6 MR. SCHROTH: Thank you, your Honor.

7 Q. (BY MR. SCHROTH) Detective, I believe before we
8 broke you had discussed that you had subpoenaed and
9 received records from Facebook and I was about to
10 show you what's been marked for identification
11 purposes as State's 202. I'm handing you what's been
12 marked for identification purposes as State's 202.
13 Does that look familiar?

14 A. Yes.

15 Q. How is that familiar to you?

16 A. This was part of the results that were returned from
17 the search warrant on Dalonte White's Facebook
18 account.

19 Q. Okay. And what is that a picture of, what is it
20 exactly?

21 A. Top left picture is a picture of Dalonte White
22 wearing a blue colored North Face jacket holding a --

23 MR. HOFFMAN: Your Honor, we would
24 object to what he's holding.

25 THE COURT: Let the record reflect

1 that the defense Attorney Hoffman has a
2 continuing objection to the photo.

3 MR. HOFFMAN: Thank you.

4 THE COURT: Go ahead.

5 Q. (BY MR. SCHROTH) You can proceed.

6 A. Holding a black pistol in his left hand.

7 Q. All right. Is he clothed? What's he wearing?

8 A. Blue colored North Face jacket and jeans.

9 Q. Okay. Is there a date on there in terms of when that
10 was posted or uploaded?

11 A. April 21st, 2015 at 23:14:47 UTC.

12 Q. And UTC, is it fair to say, Detective, that's London,
13 that is the time in London, that UTC stands for
14 essentially Greenwich Time?

15 A. Yes.

16 Q. Okay. And is it fair that's four hours ahead of the
17 Eastern Standard Time?

18 A. Yes.

19 Q. Okay. So four hours, if you subtract four hours from
20 -- what's the time there, 21 what?

21 A. 23:14.

22 Q. All right. If you subtract four hours from 23:14,
23 what time would that be?

24 A. 19:14 hours. About 7:00 p.m. in the evening.

25 Q. All right. You mentioned that Mr. White's wearing a

1 North Face jacket in that photo?

2 A. Yes.

3 Q. Okay. And how does that compare to the North Face
4 jacket that you obtained in your search warrant?

5 A. It's a very similar style. The difference is the
6 color of the jacket.

7 Q. Okay. And in terms of the backing of the jacket that
8 you had confiscated as part of the search warrant,
9 did you do anything besides just taking the jacket.
10 Did you do anything to help memorialize that jacket?

11 A. Yes, it was submitted to BCI for DNA analysis.

12 Q. Sure. Did you take any photographs?

13 A. Yeah, we took two photographs of the jacket.

14 Q. Okay. I'm going to show you State's 203 and 204.
15 Detective, I'm showing you State's 203, does that
16 look familiar?

17 A. Yes.

18 Q. What do we have there?

19 A. It's the black North Face jacket that was recovered
20 during the search warrant of Mr. White's residence.

21 Q. All right. Showing you State's 204, what do we have
22 there?

23 A. Same jacket, different angle.

24 Q. What's the angle in State's 203?

25 A. It's a close up of the front of the jacket around the

1 chest area.

2 Q. Specifically what do we see, though, what's showing
3 there?

4 A. It's got a North Face logo on it.

5 Q. Okay. And then what do we see, what angle is on
6 State's 204?

7 A. It's a shot of the rear of the jacket, which also
8 depicts a North Face logo.

9 Q. And State's 202, the North Face jacket that Mr. White
10 is wearing, can you tell if there's any pockets on
11 that?

12 A. Yes, it looks like there's three pockets.

13 Q. Where are they located?

14 A. One pocket on the left chest and two on the lower
15 section of the jacket near the hands.

16 Q. Okay. Where is it positioned exactly, front, back,
17 side?

18 A. Front. Front left and front right.

19 Q. Okay. Backing up for a minute in terms of the video
20 that was obtained from the street where the incident
21 happened on West 54th Street, in addition to the
22 video did you guys do anything else to that video?

23 A. We took the video to the Parma Police Department and
24 had one of their officers take several still images
25 from the video and enhance the images.

1 Q. Okay. I'm going to hand you what's been marked for
2 identification as State's 69A and 69B. All right.
3 I'm handing you State's 69A, what do we have there?

4 A. It depicts a suspect from the home invasion. He's
5 concealing a firearm into his waistband area.

6 Q. A little more broadly, what is that, what's the
7 source of those photos?

8 A. It's from the surveillance camera system.

9 Q. All right. How many pictures are on State's 69A?

10 A. Seven.

11 Q. Okay. I'm sorry. Now, continue, what do you see
12 portrayed in the pictures there?

13 A. It depicts a black male suspect wearing what appears
14 to be a dark colored jacket, dark colored pants, with
15 some type of logo on the front of the jacket, front
16 left.

17 Q. Front left?

18 A. Yes.

19 Q. In terms of State's 203 and 202, where are the logos
20 located there?

21 A. On the front left of the jacket.

22 Q. And how does that compare to State's 69A?

23 A. Similar location.

24 Q. Okay. And State's 69B, I'm handing you that now.

25 Does that look familiar?

1 A. Yes, it does.

2 Q. What is the origin of what is located on State's 69B?

3 A. The origin is the surveillance video camera system.

4 Q. And how does that compare -- how does 69B compare to
5 69A, is there a difference?

6 A. The photos in 69B are zoomed in, but they appear to
7 be similar photographs.

8 Q. Okay. Back to the timeline of your investigation,
9 the request itself was made June 12th, 2015, is that
10 right?

11 A. For the search warrants?

12 Q. Yeah, the search warrant for the Facebook.

13 A. Yes.

14 Q. All right. And I sort of rocketed ahead with the
15 results of that. But in terms of where we left off
16 in the timeline, in the sequence, in terms of the
17 investigation itself after the day that the search
18 warrants were issued, June 12th, 2015, did you guys
19 do anything else in relationship to this
20 investigation?

21 A. Yes. Sergeant Shoulders and myself continued to
22 locate Romell Thomas and Jo'von Owens so we could
23 speak with them. We were unsuccessful in locating
24 Romell Thomas. However, we were able to have Jo'von
25 Owens and his mother come in yesterday evening for an

1 interview.

2 Q. Okay. Well, in terms of June 24th itself, I just
3 want to take it chronologically. Did you have any
4 luck locating Romell or Jo'veon Owens AKA Scooby at
5 all on June 24th?

6 A. No.

7 Q. All right. Where did you go, what happened when you
8 tried to find them?

9 A. For Jo'veon Owens we went to his previous addresses
10 located at 6632 Collier Avenue and 3933 East 67th
11 Street.

12 Q. So you went to those residences?

13 A. Yes.

14 Q. What happened?

15 A. We knocked on the doors and there was no response and
16 the residences appeared to be vacant.

17 Q. Okay. What about, what happened in terms of Romell?

18 A. For Romell Thomas we went to his listed residence at
19 13218 Durkee Avenue in Cleveland, spoke to a
20 female --

21 Q. I'm sorry. Durkee?

22 A. Yes.

23 Q. Spell that.

24 A. D-u-r-k-e-e.

25 Q. Okay.

1 A. We spoke to a female who identified herself as
2 Ms. Perkins, stated she was the grandmother of Romell
3 Thomas, but we were unable to locate Romell and speak
4 with him.

5 Q. Did you provide any contact information for yourself
6 there?

7 A. I did. I provided my name and my phone number to the
8 police station.

9 Q. Okay. So what happens? You're unsuccessful in your
10 attempts to locate them in the neighborhood. What
11 happens now, anything else happen that day?

12 A. Later that day Ms. Perkins, who identified herself as
13 the mother of Romell Thomas, called me. I explained
14 to her that I needed her son Romell Thomas to contact
15 me so that I could speak with him in regards to this
16 matter.

17 Q. Okay. So you actually spoke with her?

18 A. Yes.

19 Q. All right. Did anything else happen? Did Romell
20 come in that day?

21 A. No, he did not come in. He has not contacted me at
22 all.

23 Q. Okay. So you've spoken to, what, his grandmother and
24 his mother, though?

25 A. Yes.

1 Q. All right. And they both have your contact info?

2 A. Yes.

3 Q. Okay. What's the next thing that occurs with you in
4 terms of this investigation?

5 A. When I received the results from the search warrant
6 for Mr. White's Facebook account, I forwarded the
7 results to you, it was a PDF file. After that I
8 scheduled an interview with Mr. Bunch at the County
9 Jail.

10 Q. What day was that interview?

11 A. July 2nd.

12 Q. Okay.

13 A. Correction. July 8th.

14 Q. What happened on July 2nd?

15 A. July 2nd I contacted an employee at the County Jail
16 to schedule the interview with Mr. Bunch, but the
17 interview itself did not occur until July 8th.

18 Q. Oh, I see. You got the ball rolling on July 2nd?

19 A. Yes.

20 Q. Okay. Now, were you successful in actually talking
21 to Mr. Bunch on July 8th?

22 A. I was.

23 Q. Where did that take place?

24 A. At the Cuyahoga County Jail.

25 Q. All right. Who did the interview, who was there?

1 A. Sergeant Shoulders and myself.

2 Q. Okay. Was that interview, was it put to writing, was
3 it recorded, how was that done?

4 A. The interview was recorded, video and audio on the
5 body cameras.

6 Q. Now, did you do anything to Mr. Bunch before you
7 interviewed him?

8 A. We explained to him the nature of our visit,
9 explained to him his Miranda Rights. He stated he
10 understood the rights and was still willing to give
11 us a statement.

12 Q. What rights did you explain to him?

13 A. His Miranda Rights.

14 Q. Yeah. What are they?

15 A. You have the right to remain silent. Anything you
16 say can and will be used against you in a court of
17 law.

18 Prior to any questioning, you have the right to
19 speak with an attorney. If you cannot afford an
20 attorney, one will be appointed for you. Do you
21 understand your rights?

22 Q. Okay. So you told him that he didn't have to speak
23 to you, is that what you're saying?

24 A. Yes.

25 Q. Or if he did speak to you, he could have an attorney

1 present?

2 A. Correct.

3 Q. All right. Did he ask for an attorney?

4 A. He did not.

5 Q. Did he say I'm not talking to you, no way?

6 A. No, he did not.

7 Q. Okay. What did he do? Did he comply with the
8 interview?

9 A. He did. He actually completed a HIPPA Statement and
10 then that's when we began the interview.

11 Q. What's a HIPPA Statement?

12 A. It's a document that he completed which releases his
13 medical records to the Prosecutor's Office.

14 Q. Okay. So are you saying that Mr. Bunch gave you
15 permission to get his medical records from that same
16 day of the incident?

17 A. Yes.

18 Q. Okay. So you're saying that he didn't have to speak
19 with you but he did?

20 A. He did.

21 Q. And that he could have had a lawyer, but he didn't
22 want one?

23 A. He did not want one.

24 Q. And that he willingly signed a form giving the police
25 department access to his medical records?

1 A. That's correct.

2 Q. All right. Okay.

3 THE COURT: Attorney Lawson, if you
4 need to step out and find out what is going on,
5 go for it.

6 MR. LAWSON: Okay. I need to find out
7 what happened.

8 THE COURT: Yeah, go ahead.

9 Q. (BY MR. SCHROTH) We can't get into what he said, but
10 did you have a conversation with Mr. Bunch about the
11 events of April 21st, 2015 for him?

12 A. Yes.

13 Q. All right. And then what, if anything, else that
14 occurred as part of this investigation?

15 A. After I spoke with Mr. Bunch, I also spoke with
16 Jo'von Owens yesterday evening.

17 Q. Okay. And that's Scooby?

18 A. Yeah, Scooby.

19 Q. All right. And since that was just last night, have
20 you had the opportunity to summarize your interview?

21 A. I have not.

22 Q. Okay. Was that interview, was it a written
23 statement, was it audio-recorded, video-recorded?

24 A. It was video and audio via the body cameras.

25 Q. All right. Now, Detective, are you familiar with the

1 location of the crime?

2 A. Yes.

3 Q. What's that address again?

4 A. 3255 West 54th Street in Cleveland.

5 Q. All right. And did you become familiar with the
6 location of where Mr. Bunch was residing on
7 April 21st, 2015?

8 A. Yes, on Puritas Avenue.

9 Q. Okay. Generally are you -- you've been a police
10 officer for how long?

11 A. Six years.

12 Q. Are you familiar with the locations of Mr. Bunch's
13 home address and the location of the crime itself,
14 generally where they are located in Cleveland?

15 A. Yes.

16 Q. All right. I'm going to show you State's Exhibit 74
17 and 75. I'm handing you what's been marked for
18 identification purposes as State's 74. Does that
19 look familiar to you?

20 A. Yes, it does.

21 Q. All right. What do we see generally there, what is
22 that?

23 A. It's an overview of the west side of Cleveland border
24 between the First and Second Districts.

25 Q. And are there any addresses highlighted on there?

1 A. There's two highlighted.

2 Q. Which ones?

3 A. The first one is 3255 West 54th Street and the second
4 address is 13415 Puritas Avenue.

5 Q. Okay. And does that give a distance between the two?

6 A. Yes, 5.9 miles.

7 Q. Okay. Does it indicate how long it would take you to
8 travel by car approximately?

9 A. Thirteen minutes.

10 Q. Okay. I'm going to hand you what has been marked for
11 identification as State's 75, and what do we see
12 there?

13 What we saw in State's 74, the first one, so
14 that's substantially similar to what we see here on
15 the Mondopad?

16 A. It's similar, yes.

17 Q. Okay. And State's 75, what's the different between
18 State's 75?

19 A. On State's 75 it depicts the distance between those
20 two addresses except it's by foot.

21 Q. Okay. And the quickest route, how long would it take
22 by foot?

23 A. One hour and thirty-five minutes.

24 Q. Now, the path of travel on foot, where does it take
25 you?

1 A. It's generally in a southwest direction from West
2 54st Street to Puritas Avenue.

3 Q. All right. And are you familiar with the location
4 where Mr. Bunch indicated he was when he was shot?

5 A. He stated he was on West Boulevard somewhere between
6 Lorain Avenue and Madison.

7 Q. And how does that compare to the quickest path of
8 travel home for him from the incident location, the
9 crime location?

10 A. It would be in a completely different direction in
11 relation to West 54th Street.

12 Q. Okay. Where exactly would it be on there? Can you
13 point on the map for the Judge?

14 A. To the north, northwest.

15 Q. Okay. So in your estimation would that be the
16 quickest route back -- the location where Mr. Bunch
17 indicated he was shot, is that at all part of the
18 quickest route back home if he was coming from that
19 location of the crime?

20 A. No, it's not.

21 Q. Okay. Are you familiar with the address where
22 Mr. White was residing on April 21st, 2015?

23 A. Yes.

24 Q. And what address is that?

25 A. It's on West 59th Place. I don't recall the specific

1 house numbers.

2 Q. Would that be something that would be in your report?

3 A. It would be.

4 Q. Is that in front of you?

5 A. Yes.

6 Q. If you looked at it, would that help refresh your
7 recollection?

8 A. 3347 West 59th Place.

9 Q. I'm going to show you what's been marked for
10 identification purposes as State's 73. All right.
11 Handing you what's been marked for identification as
12 State's 73 and what do we see there?

13 A. This depicts a path of travel between Colleen's
14 residence and Mr. White's residence.

15 Q. Okay. And how far is that from there?

16 A. 0.3 miles.

17 Q. Okay. Does it give an estimate of how long it would
18 take to walk that?

19 A. Six minutes.

20 Q. Detective, is one of those two locations closer than
21 the other from the location of the crime? Between
22 the two houses that we discussed, Mr. Bunch's house
23 and Mr. White's house, how do those two locations
24 compare in relationship to where the crime occurred?

25 A. Mr. White's residence is located significantly closer

1 to Colleen's residence than Mr. Bunch's.

2 Q. We had discussed a little bit earlier that you
3 obtained a copy of records for Mr. White's Facebook,
4 is that correct?

5 A. Yes.

6 Q. Okay. Now, are you aware if Mr. Bunch has -- do you
7 know if -- have you located a Facebook account for
8 Mr. Bunch?

9 A. I'm not aware of a Facebook account for Mr. Bunch.

10 MR. SCHROTH: Can I just have a
11 moment, Judge?

12 THE COURT: Sure. Absolutely.

13 Q. (BY MR. SCHROTH) Detective, there was some DNA
14 results that were obtained in this case and we
15 discussed some of those earlier, is that right?

16 A. Yes.

17 Q. Okay. Was there any sort of DNA analysis done in
18 regards to the deceased pit bull?

19 A. Yes.

20 Q. What was that?

21 A. The detective that responded to the crime scene took
22 several swabs from the deceased dog's mouth. Those
23 samples were sent to BCI for analysis and compared to
24 Mr. White's DNA. The results came back as
25 inconclusive.

1 Q. What do you mean inconclusive? They weren't able to
2 get a sample off of the dog's mouth?

3 A. I guess there was no DNA in the dog's mouth.

4 Q. Okay.

5 A. It could have been mixed in with the saliva.

6 Q. Now, were there swabs taken of the blood on the
7 porch?

8 A. No.

9 Q. Okay. Were there swabs taken of any of the blood?

10 A. I'm sorry. Yes, there was.

11 Q. They were taken. And were those sent out to BCI?

12 A. They were not.

13 Q. And why is that?

14 A. We didn't have any reason to believe that the blood
15 came from anybody else except Ms. Allums.

16 Q. And the blood that was located in the house, how does
17 that compare to where Ms. Allums was located in the
18 house?

19 A. The blood that was located in the house was located
20 on the couch in the living room and on the living
21 room floor and that's where Ms. Allums was seated
22 during the home invasion.

23 Q. And was there any blood outside?

24 A. Yes, there was blood located outside on the front
25 porch of the residence.

1 Q. And how does that compare to your understanding of
2 where Ms. Allums may have been located?

3 A. Ms. Allums stated that she had gone outside to her
4 porch and that's consistent with where the blood was
5 located.

6 Q. And did you find any blood, any trails or any blood
7 anywhere other than the locations where you
8 understood Ms. Allums to have been?

9 A. I did not locate any other blood trails.

10 Q. Okay.

11 MR. SCHROTH: Thank you. Nothing
12 further.

13 THE COURT: Okay. Do you need a
14 minute Attorney Hoffman or are you ready?

15 MR. HOFFMAN: I think we're okay.

16 THE COURT: All right.

17 MR. HOFFMAN: Thank you.

18 **CROSS-EXAMINATION OF DETECTIVE DAVID LAM**

19 **BY MR. HOFFMAN:**

20 Q. Detective Lam, I'm Brian Hoffman. I represent
21 Dalonte White. How are you doing today?

22 A. Doing well. How about yourself?

23 Q. Good. I'm going to ask you a few follow-up
24 questions. Okay?

25 A. Okay.

1 Q. First things first. Prior to sending a subpoena for
2 the Facebook records, you had done some Facebook
3 research yourself, correct?

4 A. Yes.

5 Q. Okay. And you had actually found that photograph
6 that you previously testified to with Dalonte White
7 sitting in the blue North Face jacket, correct?

8 A. Yes.

9 Q. Okay. I'm handing you what has been marked as
10 Defense Exhibit A. That's the photograph that you
11 had previously found, correct?

12 A. Yes.

13 Q. And there's timestamps on those, correct?

14 A. There's a date stamp in two locations. Which one are
15 we talking about?

16 Q. Let's start with the top. What's the first date you
17 see there?

18 A. March 2nd, 2014.

19 Q. Okay. So you know that that photograph was much
20 older than the one that you got from the Facebook
21 records that you just testified about, right?

22 THE COURT: Can I take a gander at
23 what you're showing him so I have an idea?

24 MR. HOFFMAN: Oh, I'm sorry, your
25 Honor. I apologize.

1 THE COURT: Thank you.

2 Q. (BY MR. HOFFMAN) This photograph in Defense Exhibit
3 A, it's the same one that you testified to about on
4 direct, correct?

5 A. Yes.

6 Q. But this one shows that it's clearly a much older
7 photograph, correct?

8 A. It is.

9 Q. Over a year older than when this incident occurred?

10 A. Yes.

11 Q. So even if it was used in a photograph and uploaded
12 today, it would show today's timestamp, right?

13 A. Sure.

14 Q. But we know that it must have been older?

15 A. Correct.

16 Q. Since we just finished up with the map situation.
17 You were aware that Edward Bunch was arrested on a
18 different case, correct?

19 A. Yes, I was aware.

20 Q. Okay. And that was for a grand theft motor vehicle,
21 correct?

22 A. Yes.

23 Q. And that car was stolen from 1961 West 54th Street,
24 correct?

25 A. I don't recall the location where the vehicle was

1 taken from without referencing the report.

2 Q. Have you reviewed that report previously?

3 A. Yes.

4 MR. SCHROTH: I'm just going to object
5 to that, Judge.

6 THE COURT: What's your objection?

7 MR. SCHROTH: I mean, it's hearsay.
8 He wasn't part of the investigation at all on
9 that case.

10 THE COURT: Do you want to respond to
11 that?

12 MR. HOFFMAN: Your Honor, my response
13 would be he used this as part of the preparation
14 for the investigation against Edward Bunch in
15 this case and I think it shows the proximity of
16 where Bunch was previously known to frequent and
17 be involved. He's reviewed it as part of his
18 investigation.

19 MR. SCHROTH: Judge, I don't think he
20 did. I think he just got -- only the officer
21 can answer this. His source of information from
22 Bunch wasn't from the police report, but only he
23 knows, from the officer telling him.

24 THE COURT: I'll let him inquire and
25 then you can object again if you find it

1 | inappropriate.

2 Q. (BY MR. HOFFMAN) So just to be clear, Detective Lam,
3 you did review that report where Edward Bunch was
4 arrested?

5 | A. Yes, I've reviewed the arrest report for the GTMV.

6 Q. Okay. And that happened right around April 22nd,
7 correct?

8 A. I would have to reference the report if we're going
9 to get specific on dates and times.

10 Q. If you had a chance to review that report again,
11 would that refresh your recollection as to what you
12 reviewed previously?

13 | A. It would.

14 MR. SCHROTH: Judge, I'm still going
15 to object. I mean, it's still total hearsay.
16 It's being used to prove the truth of the matter
17 asserted.

18 MR. HOFFMAN: Your Honor, the only
19 thing I want to offer it for is that it puts
20 Edward Bunch in that area around the same date
21 and time.

22 I think the evidence on direct
23 examination tries to put him down on Puritas far
24 away from this. Clearly he was arrested in this
25 area right after the events.

1 THE COURT: And it does appear to the
2 Court as if the Prosecution's trying to show
3 that Edward Bunch lives on Puritas and it's five
4 miles from the site where Dalonte White lives .3
5 miles away. And I do think it's then relevant
6 whether Mr. Bunch can travel. So I'm going to
7 permit it.

8 MR. HOFFMAN: Thank you.

9 THE COURT: But let's be clear, it
10 only goes to weight and not necessarily
11 admissibility.

12 Q. (BY MR. HOFFMAN) Mr. Lam, if you can please take a
13 moment to review the top portion of that police
14 report.

15 A. Is this the original GTMV report or is this the
16 arrest report for the grand theft motor vehicle?
17 Because those would be two separate reports with
18 separate dates and times.

19 Q. That I'm not sure. Could you review that and let me
20 know which one it is?

21 A. Okay. Because I have a copy of the arrest report in
22 my case file.

23 Q. Okay. So there's two different reports?

24 A. Yes. There's an original report when the victim
25 reports his or her vehicle stolen and then there's an

1 arrest report when the officers arrested Mr. Bunch
2 and the other gentleman for those crimes.

3 THE COURT: Let's go off the record.

4 (SHORT RECESS TAKEN.)

5 THE COURT: All right. Let's go back
6 on the record.

7 Q. (BY MR. HOFFMAN) Detective Lam, I'm actually going
8 to start you with the incident report.

9 A. Okay.

10 Q. And at the top of that it gives some dates and times.
11 Could you review those and let me know if that
12 refreshes your recollection as to when that incident
13 took place and where?

14 THE COURT: Is that marked as an
15 Exhibit?

16 MR. HOFFMAN: Defense B, your Honor.

17 THE COURT: Thank you.

18 A. Based on this incident report, it says the crime was
19 reported on April 23rd, 2015 at 12:44 a.m.

20 Q. (BY MR. HOFFMAN) Okay. And where was that incident
21 from?

22 A. 1961 West 54th Street.

23 Q. Okay. And is that the incident report from when
24 Edward Bunch was arrested?

25 THE COURT: Can you say that address

1 again please?

2 THE WITNESS: 1961 West 54th Street.

3 Q. (BY MR. HOFFMAN) Okay. So you had a vehicle stolen
4 from West 54th?

5 A. Correct.

6 Q. And Edward Bunch was subsequently then arrested for
7 that, correct?

8 A. He was arrested approximately a week later.

9 Q. And where was he arrested at, what location?

10 A. West 58th Street and Otto Court.

11 Q. So right around here (indicating)?

12 A. I've got bad vision, but --

13 THE COURT: You can get up if you need
14 to look.

15 Q. (BY MR. HOFFMAN) We're referencing the map that you
16 had just testified regarding the placement of the
17 victim's house on 3254 West 54th. You indicated that
18 Edward Bunch was arrested at West 58th and Otto
19 Court?

20 A. Yes, somewhere in that area.

21 Q. And that's approximately three blocks west of the
22 incident?

23 A. Sure.

24 Q. And then the vehicle was actually stolen from
25 somewhere on West 54th Street itself?

1 A. The vehicle was stolen at 1961 West 54th Street and
2 that would have been north of Lorain Avenue.

3 Q. You said 1954?

4 A. 1961 West 54th Street. A little bit north of Lorain
5 Avenue.

6 Q. So that's north of the incident over off of Lorain?

7 A. Correct.

8 Q. But still in the same area?

9 A. Still in the Second District, yes.

10 Q. Okay. Did you have a chance to review any of Edward
11 Bunch's prior cases?

12 MR. SCHROTH: Objection.

13 THE COURT: Basis?

14 MR. SCHROTH: Judge, his priors have
15 absolutely no relevance on this case whatsoever.

16 THE COURT: Well, I'm going to allow
17 it as to whether he reviewed them, but I don't
18 necessarily want to go into specifics.

19 Q. (BY MR. HOFFMAN) Did you review any of Edward
20 Bunch's prior reports in cases in this matter?

21 A. I did not.

22 Q. Okay. Were you made aware of any of them?

23 A. No.

24 Q. So you never heard that Edward Bunch had a prior case
25 in the area of Second District?

1 A. Not to my knowledge, no.

2 Q. Do you know that Sergeant Shoulders was on that as
3 well?

4 A. I was not aware.

5 Q. You were here in Court the other day when you heard
6 me asking about that, correct, to review the police
7 reports in connection with Edward Bunch?

8 A. Yes. I think you made a comment, yes.

9 Q. But you chose not to review those?

10 A. I did not review it.

11 Q. So you wouldn't be aware if Edward Bunch --

12 MR. SCHROTH: Objection, Judge. He's
13 not aware.

14 THE COURT: I'll let him finish his
15 question and then you can object and then I'll
16 sustain it.

17 MR. SCHROTH: Okay.

18 Q. (BY MR. HOFFMAN) You wouldn't be aware that Edward
19 Bunch was a suspect in an aggravated burglary a mile
20 and a half south of the incident in question in this
21 case?

22 MR. SCHROTH: Objection.

23 THE COURT: Sustained.

24 Q. (BY MR. HOFFMAN) Did you review an incident report
25 regarding Edward Bunch in terms of the shooting on

1 West Boulevard?

2 A. I did.

3 Q. Okay. And did you pull police reports regarding
4 that?

5 A. Yes.

6 Q. Did you speak with any detectives regarding that?

7 A. I did not.

8 Q. Okay. But you became aware of the allegations there?

9 A. Yes.

10 Q. And you actually spoke to him yourself, Mr. Bunch?

11 A. Yes, I did.

12 Q. And basically, he puts himself in the area of West
13 Boulevard in between Madison and Lorain?

14 A. Yes, somewhere in that area.

15 Q. Detective, you indicated that you heard previously
16 that Edward Bunch went to Lakewood Hospital, right?

17 A. Yes.

18 Q. And you pulled those records?

19 A. What records?

20 Q. You requested his medical records from Lakewood
21 Hospital?

22 A. I didn't personally request it, but I had him
23 complete the HIPPA form.

24 Q. And you're aware that those have been completed?

25 A. Yes.

1 Q. And you're aware that Edward Bunch arrived there
2 6:38 p.m.?

3 A. I'm not sure on the precise time.

4 Q. Have you reviewed his medical records at all?

5 A. I have not.

6 Q. Okay. Have you found out how far Lakewood Hospital
7 is from the incident?

8 A. No, I do not know.

9 Q. I'm showing you up on the Mondopad a couple of
10 different addresses here, one being 3255 West 54th,
11 one being Madison Avenue and West Boulevard and
12 another being Lakewood Hospital. Does that look
13 accurate to you?

14 A. It does.

15 Q. Would you agree with me Madison and West Boulevard
16 appears to be on the way from 3255 West 54th to
17 Lakewood Hospital?

18 A. Depending on which route you take, it could be, yes.

19 Q. And that's about where Edward Bunch says he was shot?

20 A. Based on the route that you've got depicted, yes.

21 Q. His information hasn't been very helpful, has it?
22 Edward Bunch?

23 A. In terms of what?

24 Q. He said he was with a friend, correct?

25 A. Correct.

1 Q. Did he ever provide that name of anyone prior to him
2 testifying on Tuesday?

3 A. He did not.

4 Q. Refused to give you a name?

5 A. Of his friend?

6 Q. Yes.

7 A. Yes, he did not provide a name of his friend.

8 Q. Wouldn't give you an address?

9 A. Address?

10 Q. Of his friend.

11 A. He did not provide one.

12 Q. You can't follow-up on any of that, can you?

13 A. I cannot.

14 Q. And you heard him asked, did your friend have a
15 nickname, correct?

16 A. Yes.

17 Q. He said his name's Nick?

18 A. Correct.

19 Q. Not much to follow-up on there, is there?

20 A. That's correct.

21 Q. Detective Lam, I was trying to understand, so you
22 were in the military for about eleven years?

23 A. Yes, I was.

24 Q. And then you went to CPD or Cleveland Police and
25 you've been there for about five years?

1 A. I'm actually serving both careers at the same time.

2 I'm actually still in the service.

3 Q. Very good. Okay. And so you've been a detective for
4 how long?

5 A. About four months.

6 Q. Okay. So you're still kind of in training?

7 A. There's no formal training. It's on-the-job-training
8 I guess.

9 Q. Is that why Sergeant Shoulders is with you pretty
10 much the whole time?

11 A. Correct.

12 Q. Helping do the reports and everything, correct?

13 A. Sure.

14 Q. Guide you along?

15 A. Sure.

16 Q. Okay. So your first step is you go out on the scene,
17 you meet with people, you canvas the area, all of
18 those things, correct?

19 A. Yes.

20 Q. That's what you're trained to do, correct?

21 A. Yes.

22 Q. And initially, you don't have any suspects, correct?

23 A. Initially, no.

24 Q. And so at that point in time, Officer Daugenti and
25 Officer Harrigan, they're speaking with the victims,

1 correct?

2 A. Yes.

3 Q. And they create a police report, correct?

4 A. Yes.

5 Q. And you rely on that information when you're
6 conducting your investigation too, correct?

7 A. Yes.

8 Q. And the first information that you received regarding
9 the gunman in this case is that he's 6 foot, 6 foot
10 1?

11 MR. SCHROTH: Objection. That's
12 hearsay.

13 THE COURT: I'm going to allow it. Go
14 ahead.

15 Q. (BY MR. HOFFMAN) Correct?

16 A. Based on the initial police report, yes.

17 Q. Okay. And that the suspect was 200 to 250 pounds?

18 A. Yes.

19 Q. Black male with dreadlocks?

20 A. Yes.

21 Q. You then get basically a set of individuals including
22 Dalonte White and you prepare photo arrays, right?

23 A. Yes.

24 Q. And that's basically asking around with other
25 officers, correct?

1 A. Asking for what?

2 Q. Asking for names from other officers, correct?
3 Potential suspects in the area.

4 A. Yes.

5 Q. So you go on OLEG to create photo arrays, right?

6 A. Yes.

7 Q. Okay. And when you do that, you type in their name,
8 correct?

9 A. The person of interest?

10 Q. Yes.

11 A. Yes.

12 Q. So first you take Rayvion Edwards, right?

13 A. Okay.

14 Q. Is that right?

15 A. Yes.

16 Q. Okay. And so you plug his name in and you get a
17 photo of him?

18 A. Yes.

19 Q. And then at some point does OLEG automatically put
20 suspects in the lineup for you, do you pick them, how
21 does that work?

22 A. You input your person of interest and then it shows
23 you the physical characteristics for that person of
24 interest, such as race, gender, height, weight, hair
25 color, eye color, and you can select various of other

1 photographs that may pull based on that person of
2 interest. So for example, if you pull a person of
3 interest that's five-six in height, the range for the
4 other photos could be between five-four to
5 five-eight.

6 Q. Okay. So you do that with each of these suspects,
7 correct?

8 A. That's correct.

9 Q. And when it comes to hair, does it give you an
10 ability to choose a length?

11 A. I don't recall.

12 Q. What about a hair style?

13 A. I don't recall.

14 Q. Well, when you created the photo array for Rayvion
15 Edwards, Rayvion Edwards has short cut hair, much
16 like yourself, correct?

17 A. Yes.

18 Q. So clearly not dreadlocks, right?

19 A. Yes.

20 Q. But he was still included in a photo array, correct?

21 A. Yes.

22 Q. And in that photo array everyone else had similar
23 type of hair, correct?

24 A. Short hair style?

25 Q. Yes.

1 A. Yes.

2 Q. All right. And then you did one for Shetrell Harris,
3 who has been called Poohead, right?

4 A. Yes.

5 Q. Okay. Everyone in his photo array kind of had longer
6 dreads, correct?

7 A. Yes.

8 Q. And then you did one or Dalonte White, right?

9 A. Yes.

10 Q. And this is a fair and accurate copy of one of his
11 photo arrays that he was put in, correct?

12 A. Correct.

13 THE COURT: What exhibit is that, do
14 you remember?

15 MR. HOFFMAN: 109, your Honor.

16 THE COURT: Okay. Photograph array
17 with Dalonte White is the one that was shown to
18 Ms. Allums.

19 MR. HOFFMAN: I believe that's
20 correct. Yes.

21 Q. (BY MR. HOFFMAN) Detective, on the screen. As I was
22 mentioning, Dalonte White was depicted in this photo
23 array, correct?

24 A. Correct.

25 Q. And then these other images were populated with other

1 people, correct?

2 A. Yes.

3 Q. None of them have dreadlocks, correct?

4 A. That's correct.

5 Q. So he's really the only one with dreadlocks?

6 A. Yes.

7 Q. And they're kind of a thin short dreadlock, correct?

8 A. Yes.

9 Q. But they're hanging down by his ears, down past the
10 middle of his face, correct?

11 A. They're hanging down his forehead, yes.

12 Q. Okay. And you can see them kind of hanging down on
13 the side here and on the top a little bit?

14 A. A little bit, yes.

15 Q. Okay. But you would agree with me, he's the only one
16 in that photo array with dreadlocks?

17 A. Yes.

18 Q. And so at that point in time then you show these
19 photo arrays to the three victims, correct?

20 A. Yes.

21 Q. And all three of them pick out Dalonte White, right?

22 A. Yes.

23 Q. And so based on that then some other officers went
24 out on April 24th, which is about two or three days
25 later, correct?

1 A. Yes.

2 Q. And they took photographs of Dalonte, right?

3 A. Yes.

4 Q. Detective, I'm handing you what has been marked as
5 State's Exhibit No. 70. Do you recall that
6 photograph that you testified about on direct?

7 A. Yes.

8 Q. And that photograph, that's Dalonte White, right?

9 A. Yes, it is.

10 Q. In that photograph, his locks in that picture or
11 twists are kind of a little bit thicker and
12 everything is kind of sticking out and up, right?

13 A. Yes.

14 Q. Kind of like a fro that was kind of like some twists
15 put into it, right?

16 A. Yeah, possibly.

17 Q. It's not bouncing up and down or anything like that,
18 hanging way over his forehead anymore, correct?

19 A. I mean, there's one strand that's over his forehead
20 slightly.

21 Q. But clearly not hanging down like they were in the
22 picture in the photo array, correct?

23 A. Yes.

24 Q. And that's because the picture from the photo array
25 was an older photograph of him, correct?

1 A. Yes.

2 THE COURT: What date was that one
3 taken?

4 Q. (BY MR. HOFFMAN) It was April 24th, correct?

5 A. April 24th.

6 Q. And then on that same day there were photographs
7 taken of both of his legs and his white shoes,
8 correct?

9 A. Yes.

10 Q. And there's no marks or injuries whatsoever?

11 A. None visible, yes.

12 Q. No bruising, right?

13 A. No.

14 Q. No teeth marks?

15 A. Not visible, no.

16 Q. Nothing swollen?

17 A. No.

18 Q. Nothing. And that's like two days afterwards, right,
19 two, two and half, three days?

20 A. Closer to three days after the incident, yes.

21 Q. And you would agree with me that on that video you
22 can clearly see someone limping and favoring their
23 right leg, right?

24 A. Yes.

25 Q. Okay. So when the officers went out there you're

1 looking for injuries to a leg, correct?

2 A. That's what they were looking for, yes.

3 Q. And the white shoes that he had on, those are
4 important because in the video you can see someone
5 with white shoes, right?

6 A. Yes.

7 Q. So the thought might be that there might be dogs
8 marks or something, some bite marks in the shoes,
9 correct?

10 A. Yes.

11 Q. But nothing was disturbed in the photographs we saw,
12 shoes appeared fine?

13 A. Yes.

14 Q. And so at that point there's no additional evidence,
15 no marks from a dog, so Dalonte White was let go, he
16 wasn't arrested?

17 A. He was let go, yes.

18 Q. Okay. And then it was, I believe on the 28th, about
19 four days later you conduct a search warrant,
20 correct?

21 A. Arrest and search warrant, yes.

22 Q. How many officers were there?

23 A. Based on what I recall, at least six to seven.

24 Q. And you're all trained officers, correct?

25 A. Yes.

1 Q. Trained not only to do search warrants, but to write
2 them, correct?

3 A. To write search warrants?

4 Q. Yes. Search warrants, search warrant affidavits?

5 A. Yes.

6 Q. Put those together and get a Judge to sign it, right?

7 A. Yes.

8 Q. And then you know how to conduct those, correct?

9 A. Yes.

10 Q. You've been trained to go in houses, how to apprehend
11 suspects there, correct?

12 A. Yes.

13 Q. So you're going in guns drawn, correct?

14 A. Yes.

15 Q. Okay. And Dalonte doesn't put up any fight, hey, I'm
16 here, right?

17 A. Correct.

18 Q. So you guys are not only searching to find the people
19 in there, you're also searching to look for evidence,
20 correct?

21 A. Yes.

22 Q. And you're primarily looking for a gun, right?

23 A. Yes.

24 Q. Stolen cell phones?

25 A. Yes.

1 Q. And a black North Face jacket?

2 A. Yes.

3 Q. You don't find a gun?

4 A. No.

5 Q. You looked all over?

6 A. Yes.

7 Q. You looked for the cell phones all over?

8 A. Yes.

9 Q. The cell phones you recovered were not the victims
10 cell phones?

11 A. Does not appear so.

12 Q. Well, you would have checked that, right?

13 A. Yes.

14 Q. And then you take the black jacket, correct?

15 A. Yes.

16 Q. And you send it to a lab?

17 A. Yes.

18 Q. And primarily looking for blood on that jacket,
19 right?

20 A. DNA.

21 Q. Okay. No DNA outside of Dalonte White, right?

22 A. Correct.

23 Q. And there was no blood found on it either?

24 A. Not that I'm aware of, no.

25 Q. And then you do an inventory afterwards, right, where

1 you detail out what items were collected?

2 A. Yes.

3 Q. And I believe in your report you mentioned there was
4 a black Alcatel cell phone that was taken, correct?

5 A. Yes.

6 Q. Was that taken from Dalonte's person then?

7 A. I believe it was taken from his bedroom, front
8 bedroom.

9 Q. Clearly his?

10 A. It was located next to his other belongings, so that
11 was our guess, yes.

12 Q. So that was the cell phone found on him or in the
13 area of Dalonte, right?

14 A. Yes.

15 Q. The other cell phone was found in another bedroom
16 where his sister stayed?

17 A. In a separate bedroom.

18 Q. All right. Where his sister stays, right?

19 A. Yes.

20 Q. And she was taken out of the house too?

21 A. Yes.

22 Q. So this black Alcatel cell phone, is this the one
23 that you're running -- the team was trying to
24 basically encrypt and get a search warrant on?

25 A. We have the search warrant. They're trying to break

1 the pass code on it.

2 Q. Okay. So at the time of the search warrant and the
3 arrest warrant, that's when you actually formally
4 arrest Dalonte, correct?

5 A. That's correct.

6 Q. And at that point in time you have identifications
7 from three of the victims, correct?

8 A. Yes.

9 Q. That's pretty much it, right?

10 A. Yes.

11 Q. And so you relied on that information when you
12 charged Dalonte?

13 A. Correct.

14 Q. Two days after that, I believe right around May 1st,
15 you find out information about Edward Bunch?

16 A. Yes.

17 Q. And you found out that he was arrested for grand
18 theft of motor vehicle?

19 A. Correct.

20 Q. He was also arrested with two other black males,
21 right?

22 A. I don't think that's accurate. I think he was
23 arrested with one other person.

24 Q. If you had a chance to review your report, do you
25 think that would refresh --

1 MR. SCHROTH: Objection, Judge. He
2 wasn't the arresting officer for Edward Bunch.

3 MR. HOFFMAN: The reason I would offer
4 it, your Honor, is that in the case at hand that
5 we're talking about, three black male suspects,
6 there's three black males in this particular
7 report that he was arrested with and I believe
8 they fit the description of the people also
9 described as going into the home.

10 MR. SCHROTH: He just can't speak to
11 it because he wasn't there.

12 THE COURT: Go off the record for a
13 second.

14 (Short recess taken.)

15 MR. SCHROTH: I object to any
16 discussion about Bunch's arrest. I mean, he
17 wasn't the officer there. Anything that he's
18 reading on the report is hearsay. He doesn't
19 really know. He can't verify it.

20 THE COURT: No, he can't. But what he
21 can testify to is if he is aware of the report
22 and read the report, what he did in connection
23 with that to this investigation.

24 MR. SCHROTH: Right. What he did. He
25 just can't testify to the contents of the

1 report.

2 THE COURT: Correct.

3 Q. (BY MR. HOFFMAN) All right. So that's when you
4 became aware of Edward Bunch having a gunshot wound
5 to the right ankle, correct?

6 A. Correct.

7 Q. And that was just a couple of days after you had
8 arrested Dalonte, correct?

9 A. Correct.

10 Q. And you discovered that Edward Bunch matched the
11 description originally given of the gunman in the
12 incident on West 54th?

13 A. In comparison to the initial report, yes.

14 Q. He was 6 feet tall, about 213 pounds, correct?

15 A. In the initial report, yes.

16 Q. Black male, dreadlocks, looking like he fits the
17 description, correct?

18 A. Yes.

19 Q. Actually, his photograph kind of looks like Dalonte's
20 photograph from the photo array, correct?

21 A. Yes, it could be mistaken.

22 Q. And so Edward Bunch went to the hospital that night,
23 correct?

24 A. Yes.

25 Q. And it was believed to be 30, 40 minutes after the

1 incident at Colleen Allum's house?

2 A. Yes.

3 Q. And Bunch refused to give any details about how he
4 got shot originally, correct?

5 MR. SCHROTH: Objection.

6 THE COURT: Basis?

7 MR. SCHROTH: All of these questions
8 are about things that this officer was not a
9 part of. I mean, he can't testify just because
10 he read a police report. That's hearsay.

11 MR. HOFFMAN: I think it goes to show
12 how Edward Bunch became a suspect in the case.

13 THE COURT: Yes. But if he didn't
14 interview Bunch, he would not have known whether
15 he gave an accurate report or not.

16 So again, you can ask him questions as
17 to what he learned from that and what he did
18 hear. But if you don't know or you didn't speak
19 to the officer, you are more than welcome to say
20 I don't know. Okay?

21 THE WITNESS: Okay.

22 Q. (BY MR. HOFFMAN) Okay. So based on what you know
23 from it, Edward Bunch claimed he got shot off of West
24 Boulevard, correct?

25 A. That's correct.

1 Q. And I'm assuming you attempted to pull police reports
2 from that area, correct?

3 A. Yes, I did.

4 Q. Review any 911 calls that may have came in, correct?

5 A. I did not review 911 calls.

6 Q. That's a pretty busy area, correct?

7 A. It is.

8 Q. 6:00 p.m., right?

9 A. Yes.

10 Q. You'd expect to get some 911 calls for a drive-by
11 shooting, correct?

12 A. Yes.

13 Q. You'd expect there to be some police reports out
14 there, correct?

15 A. Yes.

16 Q. There aren't any?

17 A. There was an injury to person report generated for
18 that incident, yes.

19 Q. Let me back up. So Edward Bunch when he gets to the
20 hospital he says he got shot in a drive-by off of
21 West Boulevard, right?

22 A. Yes.

23 Q. The hospital calls the police on those type of
24 reports, correct?

25 A. Yes.

1 Q. The police get involved at that point, that's where
2 the report comes from, from the hospital, right?

3 A. Correct.

4 Q. But no other citizens, no one else has called 911 or
5 created a report in that area for that date and time,
6 right?

7 A. Not that I'm aware of.

8 Q. Did you check?

9 A. I did.

10 Q. And there was no bike found in that area either,
11 right?

12 A. No.

13 Q. And so at that point in time Edward Bunch is now a
14 prime suspect in this case, correct?

15 A. He's a person of interest.

16 Q. All right. And he matches the height?

17 A. In the initial police report, yes.

18 Q. And he matches the weight?

19 A. Yes.

20 Q. Matches the hair, right?

21 A. Yes.

22 Q. And also in your report you note specifically he has
23 an injury consistent with what you saw in the video,
24 correct?

25 A. Yes.

1 Q. He has the right leg injury, right?

2 A. Correct.

3 Q. So at that point in time then you create a photo
4 array with Edward Bunch, right?

5 A. Yes.

6 Q. And I believe in between that period you get
7 information that there was not a DNA match with
8 Dalonte White as well, correct? That DNA could not
9 be pulled from the dog?

10 A. From the dog's mouth.

11 Q. And you didn't send the blood, right?

12 A. The blood was not sent.

13 Q. So then you create the photo array with Edward Bunch,
14 right?

15 A. Correct.

16 Q. And in his photo array everyone is depicted with
17 dreadlocks, correct?

18 A. Yes.

19 Q. And at that point in time as far as you were aware no
20 one picked out Edward Bunch except for Zackary Hale?

21 A. Correct.

22 Q. And are you familiar with Senate Bill 77 and how to
23 conduct photo arrays?

24 A. I'm not.

25 Q. Have you ever been trained on the proper procedure

1 for photo arrays?

2 A. I have.

3 Q. And are you familiar with the Ohio Revised Code
4 statute dealing with how to administer photo arrays?

5 A. I am not.

6 Q. But you know that if one of the witnesses makes an
7 ID, that needs to be written down and collected as
8 evidence, correct?

9 A. Correct.

10 Q. And we've heard evidence here recently that that was
11 not done correctly in this case, correct?

12 A. Correct.

13 Q. And just to be clear, I think it was Detective
14 Santiago presented the photo array to Colleen Allums
15 which contained Edward Bunch?

16 A. I would have to review my follow-up, but I don't
17 think that's accurate actually.

18 Q. Could you check?

19 A. Sure. Detective Kubas showed the photo arrays to
20 Colleen Allums.

21 Q. All right. Who showed the one to Savannah LaForce
22 then?

23 A. Detective Santiago.

24 Q. Okay. So I flipped them. So Detective Kubas shows
25 it to Colleen Allums. Did you speak with Detective

1 Kubas before the presentation of the photo array?

2 A. Briefly.

3 Q. Did you give him any information about the case?

4 A. No.

5 Q. Did Detective Kubas know that you were looking for a
6 shooter?

7 A. He did not.

8 Q. Did Detective Kubas know anything about the case
9 whatsoever?

10 A. As far as I know, no, he does not.

11 Q. But you've heard that there's now evidence that
12 Colleen Allums did make a positive identification of
13 Edward Bunch that day, correct?

14 A. Yes.

15 Q. And that would be definitely a severe violation if
16 that was, in fact, true, correct?

17 A. Yes.

18 Q. And that actually changes the way that you
19 investigated this case, right?

20 A. Yes.

21 Q. And the same thing in regards to Detective Santiago.
22 If you knew that identification of Edward Bunch had
23 been made, that would have changed things
24 significantly, correct?

25 A. Yes.

1 Q. You would have wanted to know that all three victims
2 did, in fact, identify Edward Bunch?

3 A. Correct.

4 Q. Instead because that information was withheld from
5 you, you pretty much closed your case on Edward
6 Bunch, right?

7 A. At that point, yes.

8 Q. So you didn't conduct any other follow-up at that
9 point concerning Edward Bunch?

10 A. No.

11 Q. You didn't interview him?

12 A. I did not.

13 Q. You didn't interview the other people that he was
14 arrested with?

15 A. I did not.

16 Q. You didn't follow any other leads on people he may be
17 connected with?

18 A. Correct.

19 Q. You didn't contact the hospital to find out if there
20 was video available of him arriving?

21 A. I did not.

22 Q. But you would agree with me that it's possible on the
23 ER they have cameras there for when people are
24 dropped off in the ER?

25 A. Yes.

1 Q. Do we know if that video is available?

2 A. I do not know.

3 Q. And it's partly because there's been now a
4 substantial delay in realizing some of this
5 information, correct?

6 A. Correct.

7 Q. Was Detective Santiago familiar with the case at all?

8 A. As far as I'm aware, no, he's not.

9 Q. Were either of them informed before the array that a
10 shooter had already been identified?

11 A. No, I did not tell them that.

12 Q. Okay. Were they instructed by you or Sergeant
13 Shoulders, did you say, hey, don't pick someone out
14 if it's the shooter?

15 A. No, they were not.

16 Q. That would be wrong, right?

17 A. Correct.

18 Q. So now you're aware of these basically two separate
19 detectives possibly violating the photo array
20 guidelines, correct?

21 A. Correct.

22 Q. And that, in fact, changes your investigation,
23 correct?

24 A. It does.

25 Q. It hindered it in some way, right?

1 A. Okay. Sure.

2 Q. It distracted from it?

3 A. Yes.

4 Q. It takes away from the evidence that you can give the
5 Prosecutor in this case?

6 A. Correct.

7 Q. It takes away from the ability of Dalonte to be able
8 to defend his case, right?

9 A. Yes.

10 Q. And it was just on the record a few days ago that we
11 learned, hey, that not only one witness had this
12 issue but two, correct?

13 A. Correct.

14 Q. Have you confronted Detective Kubas or Detective
15 Santiago at all in regards to these allegations?

16 MR. SCHROTH: Objection. That's not
17 relevant.

18 THE COURT: Can you repeat that?

19 MR. HOFFMAN: Have you confronted
20 either Detective Kubas or Detective Santiago in
21 regard to these allegations?

22 THE COURT: I'm going to allow it.
23 Overruled.

24 A. No.

25 Q. (BY MR. HOFFMAN) And because of this delay you

1 weren't able to actually then go interview Edward
2 Bunch until July 8th?

3 A. Correct.

4 Q. And due to the time constraints you were able to
5 request his initial medical records from Lakewood
6 Hospital, correct?

7 A. Correct.

8 Q. But we don't have the Fairview records, correct?

9 A. Not to my knowledge, no.

10 Q. So he's had plenty of time to sort of basically come
11 up with a story about his whereabouts that day,
12 correct?

13 MR. SCHROTH: Speculation, Judge.

14 Objection.

15 THE COURT: Sustained.

16 Q. (BY MR. HOFFMAN) Bunch initially claimed he was home
17 all day, right?

18 A. That's what he stated, yes.

19 Q. First thing like right out of the gate, I was home
20 all day, right?

21 A. Correct.

22 Q. And you said, well, I'm talking about the day you got
23 shot and then he sort of went on the story about West
24 Boulevard, right?

25 A. Right.

1 Q. You said the incident location was 3255 West 54th, is
2 that right?

3 A. Yes. Of the home invasion?

4 Q. Yes.

5 A. That's correct.

6 THE COURT: Attorney, you know you can
7 move the keyboard up.

8 MR. HOFFMAN: Thank you, your Honor.

9 Q. (BY MR. SCHROTH) And can you again give us the
10 address for Dalonte White? 3347?

11 A. West 59th Place.

12 Q. And earlier when we saw the video, it was pretty
13 clear that you could see a suspect limping away,
14 right?

15 A. Correct.

16 Q. Not running, right?

17 A. Not running.

18 Q. I believe you said kind of casually walking actually,
19 right?

20 A. I think I said casually limping away.

21 Q. Okay. So casually limping away?

22 A. Yeah.

23 Q. But at a pretty slow speed, correct?

24 A. Correct.

25 Q. I believe here on Google map you said it was about .3

1 miles and the normal walking time would be about six
2 minutes, is that correct?

3 A. Yes.

4 Q. So with an injury slowing you down, is it safe to say
5 that that's going to take at least ten minutes?

6 A. It could, yes.

7 Q. Well, let's make sure we can nail it down. Can we
8 say that it's going to take at least eight minutes,
9 it's going to take a little bit longer than six
10 minutes, right?

11 A. Well, I've never been shot and limped away so now
12 we're just speculating. So I don't want to put a
13 precise time on it.

14 Q. There's some main streets in here as well, correct?

15 A. Yes, there is.

16 Q. Some stop lights?

17 A. Some major intersections, yes.

18 Q. Some traffic going through this area?

19 A. Yes.

20 Q. It's going to slow people up?

21 A. Yes.

22 Q. And a lot of these backyards, they have high fences,
23 correct?

24 A. Some of them do, yes.

25 Q. Not likely to be scaling through backyards over

1 there, right? You're pretty much going to have to go
2 by the street to get back over to 59th Place,
3 correct?

4 A. Yes.

5 Q. Especially with a leg injury?

6 A. Correct.

7 Q. Have you walked that distance?

8 A. I have not.

9 Q. So you have never traveled from the incident location
10 to Dalonte White's house?

11 A. Not using that path, no.

12 Q. It's safe to say it's going to take at least six
13 minutes, though?

14 A. Walking?

15 Q. Yeah.

16 A. For a normal person it would probably take less, less
17 than six minutes.

18 Q. And then a person with a limp kind of casually
19 walking, at least six minutes, though, right?

20 A. Possibly, yes.

21 Q. You said there was no blood or any trail or anything
22 like that?

23 A. There was not.

24 Q. You're aware that one of the people that Edward Bunch
25 was arrested with, his name's Dandre Sanders, right?

1 MR. SCHROTH: Objection, Judge, as to
2 who he's arrested with. This wasn't an
3 arresting officer.

4 THE COURT: I'm going to give you a
5 little leeway. So I'll overrule.

6 Q. (BY MR. HOFFMAN) You know that from reviewing those
7 reports, correct?

8 A. Yes, I'm aware of the name.

9 Q. And you did some Facebook research in this case
10 previously, correct?

11 A. I did.

12 Q. Did you ever look up Dandre Sanders?

13 A. I did not.

14 Q. Is it pretty easy to do?

15 A. I haven't tried.

16 Q. If you were able to find him, you could kind of
17 compare him to the suspects that were discussed here
18 in court today, right?

19 A. Yes.

20 Q. And the suspects that were described by the victims
21 previously, right?

22 A. Yes.

23 Q. You could do the same with Rayvion, correct?

24 A. Yes.

25 Q. But you haven't been able to do that yet, correct?

1 A. Correct.

2 Q. One of the other things we didn't talk about was the
3 overall condition of the house. What was it like at
4 the incident, Colleen Allum's house?

5 A. Pretty deplorable conditions.

6 Q. And we saw some of the photographs, but it was pretty
7 bad, right?

8 A. Yes.

9 Q. The upstairs was covered in dog feces?

10 A. Yes.

11 Q. Clothing everywhere. It looked like they were using
12 like a gas grill for heat in the living room?

13 A. I don't recall.

14 Q. Pretty deplorable, though, right?

15 A. Yes.

16 Q. Couldn't take fingerprints, is that true?

17 A. Fingerprints off of what?

18 Q. Well, I mean, you heard her testify about like a
19 stool where money was taken from, correct?

20 A. Right.

21 Q. Did you guys try to take fingerprints off the stool?

22 A. I'm not sure if the crime scene detective attempted
23 or not.

24 Q. But you would agree that the conditions in the house
25 are kind of adverse to fingerprinting, correct?

1 A. Yes.

2 Q. Okay. And there was definitely evidence of drug
3 paraphernalia there, correct?

4 A. I didn't personally observe any.

5 Q. Well, in the one room there was a large bag of
6 baggies and a little cutting board, a little rolling
7 board?

8 A. Which room are you referencing?

9 Q. In the main living room where Colleen Allums was
10 attacked. Do you recall there being like a little
11 nightstand on the side there, a little table?

12 A. I don't recall.

13 Q. If there was drug evidence there, would you have
14 noted it?

15 A. I would have.

16 Q. Would it be in your report?

17 A. It would be in the initial report, yes.

18 Q. Would it be something that maybe you would ask the
19 victims in investigating this case?

20 A. Yes.

21 Q. Because it might lead to potential suspects, right?

22 A. Sure.

23 Q. You didn't ask her about that, though, did you?

24 A. About what?

25 Q. About any potential suspects related to drugs. Did

1 you owe a drug dealer money?

2 A. We did ask the question.

3 Q. You did?

4 A. Yes.

5 Q. Would that be in your report?

6 A. It's not.

7 Q. Would it be in her statement, her audio-recorded
8 statement?

9 A. I don't recall if it's in there or not.

10 Q. So you asked if she ever used drugs?

11 A. I believe the question was, is this drug related?

12 Q. Okay. Was it drug related?

13 A. I can't determine that.

14 Q. Do you know if she owed any drug dealers money?

15 A. Not that I'm aware of.

16 Q. Were you aware of this incident involving Christian
17 Hughes?

18 A. Yes, I am.

19 Q. When did you become aware of that?

20 A. Shortly after the home invasion.

21 Q. So after the home invasion you learned about the
22 incident with Christian Hughes?

23 A. Correct.

24 Q. That's not in your report, though, is it?

25 A. It's not.

1 Q. That would be a potential lead as to someone who may
2 want to do harm to Colleen Allums, though, correct?

3 A. It's possible, yes.

4 Q. Did you follow-up on that at all?

5 A. I did not.

6 Q. When you indicated about the surveillance video, you
7 indicated that you thought it was like four or five
8 houses away, is that right?

9 A. Correct.

10 Q. Would two sound correct as well?

11 A. It could.

12 Q. Okay. Because in the video you can see kind of the
13 basketball hoop, right?

14 A. Yes.

15 Q. And that basketball hoop is the one that was right in
16 front of Colleen Allum's house?

17 A. Yes.

18 Q. Detective, this is the surveillance video that you
19 pulled as well, correct?

20 A. Yes.

21 Q. And we can see the basketball hoop right here,
22 correct?

23 A. Yes.

24 Q. So this is about two houses down, right?

25 A. Yes.

1 Q. And you also see a fence along the street here,
2 right?

3 A. Yes.

4 Q. It's about a four-foot fence, right?

5 A. I'm not sure on the height.

6 Q. You don't recall that from your time out there?

7 A. I don't recall.

8 Q. Now, at this point you see the suspect walking
9 through, correct?

10 A. Yes.

11 Q. It looks like Edward Bunch, right?

12 A. No.

13 Q. It doesn't? That doesn't look like Edward Bunch?

14 A. No.

15 Q. That hair isn't the same as Edward Bunch? You saw
16 him in Court the other day, right?

17 A. I did.

18 Q. He's got the same style hair as this, correct?
19 Right?

20 A. He's got a similar hair style, yes.

21 Q. Dreadlocks kind of down to the middle of his
22 forehead, right?

23 A. Yes.

24 Q. I can play it again if you need?

25 THE COURT: He can get up closer if

1 you want him.

2 MR. HOFFMAN: Yeah. Your Honor, can I
3 have permission for him to step down?

4 THE COURT: Sure. Norm?

5 MR. SCHROTH: I can see it. Judge,
6 I'm going to object. This has been asked and
7 answered. He already indicated it doesn't look
8 like Edward Bunch to him.

9 MR. HOFFMAN: Your Honor, I think the
10 reason I would proffer this part of it is that I
11 think if you view it a few times sequentially
12 because it's such a short clip, you can get a
13 pretty clear picture of the person involved.

14 MR. SCHROTH: Judge, I still object.
15 The detective has seen this video before. It's
16 not like this is his first time.

17 THE COURT: Let's just do it for the
18 Court.

19 MR. SCHROTH: Yeah, that's fine.

20 Q. (BY MR. HOFFMAN) Do you see the hair kind of
21 flopping?

22 A. Yes.

23 Q. The dreadlocks hanging down, right?

24 A. I see the dreadlocks sticking up.

25 Q. You don't see any dreadlocks laying down on here?

1 Coming down on the side right there?

2 A. On the side, sure.

3 Q. Do you see some dreadlocks sticking up in the back,
4 kind of flopping there, moving up and down a little
5 bit?

6 THE COURT: All right. Asked and
7 answered. Let's move on.

8 Q. (BY MR. HOFFMAN) Now that you've had a chance to see
9 the video again, it clearly looked like Edward Bunch,
10 doesn't it?

11 A. I still don't think so, no.

12 Q. Consistent with his injuries, right? Consistent with
13 his hair style, right?

14 A. Yes.

15 Q. You can't really see facial hair, right?

16 A. No.

17 Q. Can't really make out a face that well, right?

18 A. Correct.

19 Q. All you can see is a black male who appears to be
20 tall and husky, right?

21 A. I can't determine the height. It's stocky built.

22 Q. Okay. And you don't remember that that's a four-foot
23 fence either, right?

24 A. I don't recall.

25 Q. If that fence is four-foot tall, that guy looks

1 pretty tall, doesn't he?

2 A. If it is indeed four-feet in height.

3 Q. And you can go back and check that, right?

4 A. Correct.

5 Q. So you want us to believe that that person is short
6 in that video?

7 MR. SCHROTH: Objection. Judge, this
8 is the same line of questioning. He said he
9 doesn't look like Edward Bunch. That was his
10 answer.

11 THE COURT: Sustained. It was asked
12 and answered.

13 Q. (BY MR. HOFFMAN) You've heard all the witnesses
14 testify in this case, right?

15 A. Yes.

16 Q. And the consensus is the male on that video, the
17 gunman in this case is pretty tall, and pretty
18 heavyset, right?

19 A. There's been some variances in the statements. On my
20 initial interview with Colleen Allums at the
21 hospital --

22 MR. HOFFMAN: Objection.

23 Q. (BY MR. HOFFMAN) I'm going to stop you there.

24 THE COURT: Wait a minute. You are
25 objecting to his response?

1 MR. HOFFMAN: I think he was going
2 outside of what I asked. I apologize. I guess
3 not really objecting but --

4 THE COURT: So are you saying
5 unresponsive?

6 MR. HOFFMAN: Unresponsive, yes.

7 THE COURT: All right. I will sustain
8 that. Go ahead and repeat the question.

9 Q. (BY MR. HOFFMAN) Your initial report says 6 foot, 6
10 foot 1, correct?

11 A. Correct.

12 Q. 200 to 250 pounds, correct?

13 A. Correct.

14 Q. Colleen Allums says pretty tall, heavyset, correct?

15 A. During which occasion?

16 Q. When she testified here in Court. She said 5 foot 9
17 to 6 foot, the guy was pretty tall, right?

18 A. Yes.

19 Q. Savannah LaForce, same thing, the guy is tall, right?

20 A. Yes.

21 Q. Dalonte White's not tall, is he?

22 A. He's about 5 foot 7, 5 foot 8.

23 Q. You get a photo lineup key when you create photo
24 arrays, don't you?

25 A. That's correct.

1 Q. Can you see up on the screen?

2 A. I can.

3 Q. What's it say for Dalonte White?

4 A. Five-five.

5 Q. Weight?

6 A. 135.

7 Q. A little different than 5 foot 7 or 5 foot 8, isn't
8 it?

9 A. It is.

10 Q. How tall are you?

11 A. Five-six.

12 Q. So he's actually shorter than you?

13 A. Correct.

14 Q. Not going to be mistaken for tall, right?

15 A. It's based on their perception so I can't speak on
16 them.

17 Q. I'm not asking about their perception, your
18 perception?

19 A. My perception.

20 Q. He's not going to be tall, right?

21 A. What's not tall? Dalonte?

22 Q. Five foot five inch suspects aren't tall, are they?

23 A. No.

24 Q. But you kind of need to kick his height up a little
25 bit to make this case work against him, right?

1 MR. SCHROTH: Objection.

2 THE COURT: I'm going to overrule it.
3 I'll let him answer.

4 A. No.

5 Q. (BY MR. HOFFMAN) The bottom line is Dalonte White's
6 short, right?

7 A. He's short, yes.

8 Q. And all along the gunman in this case has been
9 described as tall, right?

10 A. In the initial report, yes.

11 Q. And in court, right? We just went through that,
12 right?

13 A. Yes.

14 Q. And Edward Bunch fits that, right?

15 A. Potentially he could.

16 Q. And now you got three people identifying Edward
17 Bunch, right?

18 A. Yes.

19 Q. Don't you wish you knew that earlier?

20 A. Yes.

21 Q. Did it make you mad when you found that out?

22 A. No.

23 Q. It doesn't make you mad when you hear that fellow
24 officers may have withheld evidence, withheld an
25 identification on your case?

1 MR. SCHROTH: Judge, objection.

2 Listen, we've been through this that the
3 information would have been helpful if he would
4 have been aware of it initially. We're beating
5 a dead horse here.

6 THE COURT: We are. We can move on,
7 but I'll let him answer that.

8 A. No. I try not to take anything that's work related
9 and have it affect me personally. So I try to keep
10 my personal life and work life separate. So, no, it
11 doesn't impact me on the emotional level, if that's
12 what you're insinuating.

13 Q. (BY MR. HOFFMAN) Yeah, that's what I'm asking. Does
14 it?

15 A. No. No, it doesn't.

16 Q. So it doesn't bother you if fellow officers violate
17 the law?

18 A. It does.

19 Q. So you get upset about that, right?

20 A. Not on a personal level, no.

21 Q. But on a professional level that irks you, doesn't
22 it?

23 A. Yes.

24 Q. I mean, your job is to uphold the laws of the State
25 of Ohio, right?

1 A. Absolutely.

2 Q. And so when officers come by and violate the rights
3 of someone in one of your cases, doesn't that bother
4 you?

5 MR. SCHROTH: Objection. This has
6 been asked and answered.

7 THE COURT: Sustained. I gave you a
8 little leeway. Let's move on to something else.

9 MR. HOFFMAN: Nothing further. Thank
10 you, your Honor.

11 THE COURT: All right. Do you have
12 any redirect?

13 MR. SCHROTH: I do, Judge.

14 **REDIRECT EXAMINATION OF DETECTIVE DAVID LAM**

15 **BY MR. SCHROTH:**

16 Q. Detective, you were asked I think a question about
17 the distance to Lakewood Hospital from the crime
18 screen, 3255 West 54th, do you recall that question?

19 A. Yes.

20 Q. Is Lakewood Hospital the closest hospital to 3255
21 West 54th?

22 A. No, it's not.

23 Q. What's the closest hospital?

24 A. Metro Health Hospital.

25 Q. All right. I'm going to direct your attention to the

1 board. Can you see this? Do you need to come down,
2 Detective?

3 MR. SCHROTH: Judge, will the Court
4 indulge me?

5 THE COURT: Of course. I will even
6 get the light. Attorney Hoffman, do you want to
7 watch this?

8 Q. (BY MR. SCHROTH) All right. Detective, what address
9 do we see over here, what's that?

10 A. 3255 West 54th Street.

11 Q. All right. What happened at that location?

12 A. The home invasion on April 21st.

13 Q. And what do we see up here, what location is that?

14 A. Lakewood Hospital.

15 Q. Does that appear to be in the right location based on
16 your knowledge?

17 A. Yes.

18 Q. Did this give an estimation of how many miles it is
19 walking?

20 A. 4.9 miles.

21 Q. Okay. And what's the walking time?

22 A. One hour and thirty-seven minutes.

23 Q. And you said there's a closer hospital?

24 A. Yes, there is.

25 Q. Okay. Now, what do we see here in the left hand

1 corner?

2 A. 3255 West 54th Street.

3 Q. And then what's that again?

4 A. The crime scene home invasion.

5 Q. And does it show Metro Health?

6 A. It does.

7 Q. Where's that?

8 A. 2500 Metro Health Drive.

9 Q. Does it give an indication of how many miles it is
10 between the two?

11 A. 1.6 miles.

12 Q. So how many minutes?

13 A. Thirty-one minutes.

14 Q. Is it fair to say that Lakewood Hospital is over
15 double the distance from the crime location than
16 Metro Health?

17 A. That's a fair statement.

18 Q. Okay.

19 THE COURT: Okay. Now that we know
20 all of the geographical locations on the west
21 side of Cleveland, can we please move on?

22 Q. (BY MR. SCHROTH) I think there was some questions
23 about Dalonte, Mr. White not being arrested on 4/24,
24 is that right?

25 A. That's correct.

1 Q. Was there an arrest warrant out for him for that
2 time?

3 A. There was not.

4 Q. Would the officers have -- did those officers who
5 stopped him and took photographs, did they see
6 Mr. White commit a crime at that time, to your
7 knowledge?

8 A. I'm not aware.

9 Q. Okay. So would they have the ability to just arrest
10 him at that time without a warrant and without
11 witnessing him commit a crime?

12 A. No.

13 Q. Okay. And there's some questions I believe about
14 whether the victims's, one of the victims's phones --
15 Savannah's phone was taken, is that correct?

16 A. That's correct.

17 Q. Whether her phone was in Mr. White's house at the
18 time of the search warrant, is that correct?

19 A. Can you repeat that?

20 Q. There was a question whether her phone was in Mr.
21 White's house, is that correct?

22 A. Correct.

23 Q. Okay. And during your investigation and from the
24 testimony do you recall if it was Mr. White or
25 someone else that he was with that actually took her

1 phone?

2 A. Somebody else that had taken the victims' phones.

3 Q. Okay. So it wasn't Mr. White that took the phones?

4 A. No, it wasn't.

5 Q. Okay. You were asked if there was any 911 calls from
6 West Boulevard from the time of the drive-by shooting
7 for Mr. Bunch, do you recall that?

8 A. Yes.

9 Q. You've been an officer for six years in Cleveland in
10 the major crimes -- well, at least for six years
11 total?

12 A. Yes.

13 Q. Every time there's a shooting in Cleveland does that
14 always equal a 911 call?

15 A. Not necessarily, no.

16 Q. Okay. I think you were asked about the incident with
17 Christopher Hughes, is that correct?

18 A. Correct.

19 Q. Okay. And that incident with Christopher Hughes, was
20 that a fight just involving Colleen and other
21 females, is that right?

22 A. That's what it appeared to be, yes.

23 Q. Okay. Were there any weapons used, from your
24 understanding in that incident?

25 A. I don't think so, no.

1 Q. Now, on direct you were asked about testimony
2 identification of height and the initial report and
3 at one point you were referencing Colleen's statement
4 in the hospital. What were you referencing, what
5 were you trying to say?

6 A. When we interviewed Ms. Allums at the hospital during
7 that --

8 MR. HOFFMAN: Objection. Hearsay.

9 THE COURT: I'm going to overrule it.

10 Q. (BY MR. SCHROTH) Go ahead.

11 A. Can I refer to the police report?

12 Q. Yes, if it helps refresh your recollection.

13 A. So during the interview Ms. Allums stated the black
14 male suspect --

15 MR. HOFFMAN: Objection.

16 MR. SCHROTH: What's your basis?

17 MR. HOFFMAN: Hearsay of what Ms.
18 Allums told them.

19 MR. SCHROTH: Judge, the description
20 given in the initial report is the same thing.
21 I'm just asking for the same rules to apply here
22 on redirect as that were on cross.

23 THE COURT: Yeah, I'm going to permit
24 it. Go ahead.

25 A. Ms. Allums stated that the gunman was wearing a black

1 jacket, black jeans, approximately five foot five
2 inches, 160 to 170 in weight and dreadlocks sticking
3 up, is how she described the gunman to us at the
4 hospital.

5 Q. (BY MR. SCHROTH) And that was how far after the
6 incident happened?

7 A. I believe two days.

8 Q. And to your knowledge, did she speak with patrol at
9 all or did she go to the hospital?

10 A. She went directly from the crime scene to the
11 hospital.

12 MR. SCHROTH: Nothing further.

13 THE COURT: Okay. Recross?

14 **RECROSS-EXAMINATION OF DETECTIVE DAVID LAM**

15 **BY MR. HOFFMAN:**

16 Q. Detective, you just said that in that audio-recorded
17 statement of Colleen Allums she said that he was five
18 foot five inches, 160 pounds, right?

19 A. Correct.

20 Q. It's about a 15 minute interview, isn't it?

21 A. Correct.

22 Q. She never says that, does she? I mean, do we need to
23 go through the loophole of playing that whole
24 interview right now just to make sure that she
25 doesn't say that?

1 THE COURT: Put it in. Do we need
2 speakers or can you play it through the
3 Mondopad?

4 MR. HOFFMAN: For identification
5 purpose, your Honor, I think we will call this
6 Defense Exhibit D.

7 THE COURT: So we have to listen to a
8 fifteen minutes interview, is that what we're
9 saying?

10 MR. HOFFMAN: I believe it's about
11 fifteen minutes long.

12 THE COURT: All right.

13 (Short recess taken.)

14 Q. (BY MR. HOFFMAN) Detective, just to move this along,
15 I want you to just raise your hand and get our
16 attention when you hear that statement.

17 (Playing interview tape.)

18 Q. (BY MR. HOFFMAN) Detective, that was the full
19 interview with Colleen Allums, correct?

20 A. Yes.

21 Q. You didn't raise your hand, did you?

22 A. I did not.

23 Q. Because Colleen Allums did not make that statement,
24 correct?

25 A. She made the statement, but it wasn't captured on the

1 audio.

2 Q. Kind of like the identifications of Edward Bunch were
3 not captured, correct?

4 A. Correct.

5 Q. We're human, we make mistakes, don't we?

6 A. Sure. Yes.

7 MR. HOFFMAN: Nothing further. Thank
8 you, your Honor.

9 THE COURT: All right.

10 MR. SCHROTH: I just have a couple on
11 that.

12 THE COURT: Okay.

13 **FURTHER REDIRECT EXAMINATION OF DETECTIVE DAVID LAM**

14 **BY MR. SCHROTH:**

15 Q. Detective, the photo array, was that done on the
16 audio?

17 A. Which photo arrays?

18 Q. The photo arrays with Colleen. Was that part of that
19 audio interview, her photo arrays?

20 A. Yes, she looked at the initial three photo arrays and
21 then we took the audio statement.

22 Q. Okay. So the photo arrays were done off the audio
23 statement?

24 A. Off the audio statement.

25 Q. So are you saying that you folks at the Cleveland

1 Police had some interaction with her off of the
2 audio?

3 A. We did.

4 Q. Okay. So every part of the interaction between the
5 Cleveland Police that day and Colleen, not all of it
6 was captured on your audio, is that fair to stay?

7 A. That's correct.

8 MR. SCHROTH: Okay. Thank you.

9 THE COURT: All right. You may step
10 down.

11 THE COURT: Prosecutor Schroth, do you
12 have any more witnesses?

13 MR. SCHROTH: We do, but can we
14 approach on this, Judge?

15 (Sidebar discussion held.)

16 THE COURT: Prosecutor Schroth, do you
17 have any further witnesses?

18 MR. SCHROTH: Judge, we do have a
19 further witness that we would like to call,
20 Daisyonna. The Court has heard reference
21 through the detective. She did make a statement
22 to Detective Lam and Detective Cynthia Moore,
23 she made a statement too that we think is
24 important. She is unavailable because she is
25 currently -- she's in the hospital. So she's

1 not able to testify at this point in time. So
2 the State would like to have the opportunity to
3 bring her in. We think her testimony is
4 material to this bindover hearing.

5 THE COURT: When did she make this
6 statement?

7 MR. SCHROTH: That statement was made
8 on April 28th.

9 THE COURT: And she presumably was on
10 the witness list?

11 MR. SCHROTH: She was on the witness
12 list. Yeah, she's been on the entire time.
13 Well, I can't say the entire time. Since we got
14 the secondary report. So for a couple weeks.
15 She wouldn't have been in the initial report.

16 THE COURT: And when was she
17 subpoenaed?

18 MR. SCHROTH: She was subpoenaed last
19 Friday. Her mom was personally served and she
20 got subpoenaed again between Tuesday and today.

21 THE COURT: We started trial on this
22 on Monday?

23 MR. SCHROTH: We started last
24 Thursday. The first subpoena that went out for
25 her had the correct address, but it had West

1 54th instead of West 58th on it. So that didn't
2 make it to her before the hearing started
3 itself.

4 THE COURT: Wouldn't that be the
5 incorrect address?

6 MR. SCHROTH: The incorrect address.
7 Right. And then a second subpoena went out
8 after the first day of hearings. So that
9 actually would aim true because the error was
10 realized and that was given to her -- her mom by
11 Sergeant Shoulders last Friday.

12 THE COURT: What was this -- are you
13 going to proffer the statement?

14 MR. SCHROTH: What?

15 THE COURT: Are you going to proffer
16 the statement?

17 MR. SCHROTH: I will if the Court's
18 not -- and just for service she was then served
19 again by -- her mom was served again by an
20 investigator from the Prosecutor's Office between
21 Tuesday and today and in response to that
22 subpoena the mom contacted, I believe, the
23 Court.

24 THE COURT: And how old is Daisyonna?

25 MR. SCHROTH: I don't know.

1 THE COURT: Is she under 18?

2 MR. SCHROTH: She would be under 18.

3 THE COURT: And is she in the custody
4 of her mother?

5 MR. SCHROTH: Well, she's technically
6 in the custody of the State.

7 THE COURT: Is that Children & Family
8 Services? She's in temporary custody or --

9 MR. SCHROTH: I just know she was
10 staying at Carrington. That's all I know. The
11 social worker was her -- in fact, I spoke with
12 her social worker yesterday, her social worker
13 is, in fact, her guardian.

14 THE COURT: You mean Children & Family
15 Services?

16 MR. SCHROTH: Yes. Whoever it is. I
17 don't know who the social worker works for.
18 Just whoever that was that -- her name is --

19 THE COURT: Okay. Do you want to
20 respond?

21 MR. HOFFMAN: Your Honor, I would
22 object to continuing this case further. We have
23 been at trial since last Thursday. Daisyonna
24 has been in Carrington as far as I can remember
25 up until this past weekend. It was not

1 difficult to locate her. I've been able to
2 speak with her. I don't believe that she is
3 going to testify as to what the State
4 anticipates at this point in time. So we would
5 object to a continuance.

6 THE COURT: When did you speak to
7 Daisyonna?

8 MR. HOFFMAN: Weeks ago.

9 THE COURT: Weeks ago. And she was at
10 Carrington at that point?

11 MR. HOFFMAN: Yes. I want to say it
12 was -- I can't remember if it was before or
13 after the last trial date was set. I think it
14 was maybe the week after the last trial date was
15 set. So maybe June, middle of June.

16 THE COURT: And when's the last time
17 you spoke to Daisyonna?

18 MR. SCHROTH: I haven't spoke to
19 Daisyonna, Judge.

20 THE COURT: All right. Then I'm going
21 to deny the continuance. We've been doing this
22 since last Thursday. So we should have some
23 conclusion to this matter.

24 MR. SCHROTH: Okay. If I could just
25 proffer, Judge, what the State would have

1 expected her --

2 THE COURT: Yes.

3 MR. HOFFMAN: Your Honor, we would
4 just object to proffering just because it is a
5 bench trial or an outdoor request that could
6 rebut the evidence that would be offered in the
7 proffer.

8 MR. SCHROTH: Judge, I think you could
9 separate just against suppression, but -- a
10 bench trial after a suppression hearing if the
11 evidence has been suppressed. I think the Court
12 has the ability to separate the wheat from the
13 chaff and then not use this in your -- we're not
14 asking you to use this as part of our case in
15 chief. We certainly can't do that because I'm
16 not a witness.

17 THE COURT: Yes. You can either
18 proffer after closing arguments or you can
19 proffer now. I cannot use whatever she was
20 going to say, but if you'd like to put it on the
21 record, let's put it on now.

22 MR. SCHROTH: Okay. All right. This
23 information comes by way, as I indicated before,
24 Detective Cynthia Moore and Detective lam.
25 Daisyonna stated she is Rayvion's girlfriend,

1 she stated that she and Rayvion are affiliated
2 with the HMF Gang, HMF stands for Hungry Money
3 Family.

4 Daisyonna further stated she has
5 intimate knowledge of the other members of the
6 gang that are closely associated with Dalonte
7 and Rayvion. Daisyonna stated Shetrell Harris
8 is the CO, and a male she knows as Scooby is the
9 Co-CO of the HMF Gang.

10 She stated that a male she knows as
11 Romell and Dalonte White are affiliated as the
12 main members of HMF Gang. Daisyonna then stated
13 that Tootie is Rochelle Rivera. Rochelle is
14 Shetrell's girlfriend and they both reside at
15 3250 West 61st. Dalonte is known to frequent
16 the house because the HMF Gang meetings are held
17 at his residence -- I'm sorry. This residence,
18 not his residence. This residence.

19 Daisyonna stated that Rayvion is best
20 friends with Dalonte. She stated that she
21 overheard during a conversation between the two
22 males that Dalonte had been bitten by a dog
23 approximately a week ago on a weekday. She
24 stated she did not have any other knowledge
25 about the incident on West 54th Street.

1 MR. HOFFMAN: Your Honor, if I may
2 offer what --

3 THE COURT: I'll allow it.

4 MR. HOFFMAN: In response to that, I
5 actually had a personal conversation with
6 Daisyonna who said that is not true. That
7 interview was not audio-recorded. So unlike
8 some of the other things in this case that were
9 misstated, she told me that that was not true,
10 that Dalonte was not bitten by a dog, was not
11 bitten about a week before. That the only time
12 she's ever heard Dalonte being any type of
13 victim or bit by a dog was back in December and
14 there's medical records that show that. We
15 could introduce that if that's trying to be used
16 against him in some way that he was bit the day
17 of the incident.

18 THE COURT: Okay. I understand that
19 there may be conflicting statements by a young
20 girl who is now at University Hospital, is in
21 the care of Children & Family Services and may
22 or may not have some physical or psychological
23 issues. So with that stated, I have heard the
24 proffer and I've heard the counter proffer. So
25 now, can we go to closing arguments?

1 MR. SCHROTH: Yeah. Sure.

2 THE COURT: Great.

3 MR. SCHROTH: May it please the Court.
4 Judge, after all of the testimony sort of what I
5 alluded to in opening statement, I don't think
6 there will be a dispute that there was a crime
7 here. That Colleen Allums was victimized beyond
8 anyone's worst nightmare, pistol whipped and
9 shot in her own home to the point where you have
10 to drag yourself bleeding to the front porch so
11 a passerby can call 911. I don't think there's
12 any dispute, Judge, that there were three
13 individuals that were part of this incident.

14 The real question at hand is a who
15 done it in this matter? So, you know, certainly
16 the State is submitting to this Court that we
17 have met our burden in terms of probable cause
18 here on Dalonte White. I do know it would
19 appear -- and I don't want to speak for the
20 defense. The defense wants this Court to
21 believe that it is Edward Bunch.

22 Judge, what I can tell you is what you
23 have, there are two conflicting versions of
24 events, two conflicting opinions as to who
25 committed this crime and that is better left for

1 a jury Downtown. This is just a gateway as to
2 whether there's probable cause. But what I can
3 tell you, Judge, is there is certainly evidence
4 that shows that Edward Bunch is not the
5 individual who committed this crime. And that
6 comes in a few different ways. First and
7 foremost, is that, you know, the severity of
8 Edward Bunch's injury, such as there's just
9 absolutely no way that he wouldn't be bleeding
10 as he left the crime scene if he literally shot
11 himself in the foot through the ankle and where
12 the bullet is still lodged in his foot. There
13 would be blood. There was no blood trail.

14 Moreover, Judge, you know, that sort
15 of devastating wound to what is a pressure point
16 in a body, the ankle, which is used for
17 locomotion, would render someone unable to --
18 I'm not sure if this is a word, but ambulate, to
19 be ambulatory, to make it any significant
20 distance at all, if at all. And, in fact, the
21 medical records show that Mr. Bunch was unable
22 to be ambulatory. It's indicated plain as day
23 in those medical records.

24 Judge, what I can also tell you is
25 that Mr. Bunch, you know, certainly didn't have

1 to -- and I'm asking you to give some weight to
2 this. You've got a guy who is in jail on
3 charges. Okay. And he is then confronted by
4 two police detectives who are recording his
5 interview and he's given a right not to talk
6 about what happened and what does he do? He
7 goes right into it.

8 Now, either he is incredibly slick or
9 incredibly stupid if he committed this crime or,
10 Judge, he just didn't do this crime and that's
11 why he was willing to make a statement.

12 And you heard him when he was on the
13 stand. You know, at first he was reluctant to
14 sign the HIPPA, but he thought it was maybe
15 something that would be incriminating, and then
16 he realized it was just for his medical records
17 for the day he got shot. No big deal. So he
18 then signed that medical form and then let the
19 police have those records, you know.

20 He didn't stop there. He came into
21 this courtroom under oath and gave a statement.
22 I certainly know you can believe some, all or
23 none, but he did it before being Mirandized. I
24 mean, the guy then -- he talks to a Prosecutor
25 for three minutes and then -- a Prosecutor and

1 then is brought into the courtroom with the
2 Judge on the record under oath, gets Mirandized
3 and then says, you know what, no big deal. I'll
4 tell you what happened on that day.

5 Judge, you are certainly -- this Court
6 has been evaluating credibility of witnesses for
7 some time now. And I submit to you that makes
8 him and his story credible that he came here to
9 tell that story.

10 Also, if this guy basically almost
11 blew his ankle off during this crime, he's not
12 going to walk all the way over to Lakewood
13 Hospital. That is ludicrous to try to travel
14 that distance on that devastating injury, if he
15 could walk, which again, there's no way he could
16 walk. Metro is literally a hop, skip and a jump
17 from that location. I mean, he'd have to hop.
18 So that also helps to what I say, fly in the
19 face of common sense that he could go that
20 ridiculous distance to do that.

21 Judge, those all demonstrate that
22 Edward Bunch is not the person who committed
23 this crime. I mean, it's a rare situation where
24 the State can call someone who is accused of the
25 crime to let you be the judge of his credibility

1 much less those sort of under penny and factual
2 circumstances, those things that are objective,
3 where the hospital was, what the injury is that
4 are strongly corroborative of Mr. Bunch's story.

5 And so instead what we have here today
6 is three identifications in court. And Judge,
7 you know, the question is, is there some
8 credible evidence?

9 He had three people come in here who
10 then see Dalonte White face-to-face and say
11 yeah, that's still the guy even though his hair
12 has changed, you know, that's still the guy.

13 Now, people can make assertion they
14 knew Dalonte would be here, you know, whatever
15 in court. But this Court has seen circumstances
16 where witnesses have not identified people in
17 court even though they're right at the defense
18 table. That's happened before in this very
19 courtroom. A person is not necessarily going to
20 come in and pick a person out just because
21 they're at the table.

22 That's a credibility issue, though,
23 for you, Judge. If you think that's what
24 Colleen Allums and Savannah LaForce and Zackary
25 Hale did, that's up to you. I submit to you

1 that's not the type of people they are, all
2 three to do that. To identify him in the flesh.
3 They also picked him up out of photo arrays. I
4 understand there were identifications on Edward
5 Bunch as well from them, but they certainly were
6 steadfast in identifying Mr. White in court.

7 Also I'd ask this Court to consider
8 that -- you know, Judge, this house -- we don't
9 know the reason that this house was targeted.
10 Colleen Allums does not know the reason why this
11 house was targeted at this point. Only the
12 people who committed this crime know the reason
13 for this house -- why this house was targeted in
14 this way. But certainly, this very manner of
15 invasion lends itself to people who would be
16 familiar with this particular house and have a
17 reason for this house.

18 And you had Edward Bunch, yes, he has
19 been in the area, but certainly he doesn't live
20 there. And he hasn't been even out from DYS for
21 that long of a period of time -- he got out in
22 the fall -- to formulate this plan and hit this
23 house.

24 Dalonte White, I think it is
25 significant that he lives in that area, Judge.

1 I think it's important. It gives him a certain
2 familiarity, you can infer, with this location
3 and the residents in this area.

4 You know, when it comes to prior
5 descriptions of what individuals, you know,
6 height and weight, I'm asking you to listen to
7 what the witnesses testified to in court.
8 Savannah has no idea. She has no clue. She
9 told you that on direct and redirect. I was
10 sitting down. I don't know how tall these guys
11 were. Colleen gave a five-nine, six foot, but,
12 again, she's seated. You know, the thing is all
13 these witnesses are seated and they're all taken
14 by surprise. You know, they follow Zack in so
15 he's standing. He's also diminutive in stature.

16 Judge, you're the best judge on what
17 Zack said. I think he may have said five foot
18 five inches when he testified. That's
19 ultimately up to you. I know you take
20 exceptional notes. But for some reason I wrote
21 down he indicated that person was five foot five
22 inches with the gun. But that's your call, not
23 mine in terms of whether he actually said that.
24 And he was the one who was standing at time of
25 this offense. The other two were seated. And

1 so any sort of height description I think is
2 suspect at best.

3 I mean, there's a reason -- people are
4 just not good, your Honor, at determining
5 heights, especially people who are not
6 sophisticated. And I'm not trying to take shots
7 at these witnesses, but they're not
8 sophisticated people. I mean, there's a reason
9 they even have at the exit for corner stores,
10 for gas stations, they put height charts there
11 because people just naturally have a hard time
12 picking out height. I mean, these aren't people
13 who work at a circus who for a living, you know,
14 determine height and weight. They're just
15 average people who were taken by surprise and
16 were seated during this event. But they were
17 steadfast in their identification of Dalonte in
18 court.

19 Judge, I submit to you that that is
20 some credible evidence here and that is the
21 standard and I'd ask that this Court transfer
22 this matter to the Criminal Division for further
23 proceedings.

24 And Judge, I'm not sure if this Court
25 prefers, but I would ask for a little bit of

1 time for any rebuttal from Mr. Hoffman's
2 closing.

3 THE COURT: Yes, you may. Thank you.
4 Attorney Hoffman.

5 MR. HOFFMAN: Thank you, your Honor.
6 May it please the Court. Your Honor, not much
7 really changed since my opening except for one
8 big thing and that was on the stand Savannah
9 LaForce basically saying look, yeah, I
10 identified Edward Bunch and the police told me
11 not to do it. I think what we find out is that
12 was not fair to Detective Lam in his efforts to
13 try to investigate this case. It's not fair to
14 Mr. Schroth who's trying to get the right guy as
15 he said in his opening and that comes out on the
16 stand and afterwards. And that's the second
17 person who said, yeah, the police, they were
18 wrong in this case. They got it wrong.

19 More importantly, it's not fair to
20 Dalonte and it's not fair to the victims in this
21 case, all three of them, Edward Bunch. Judge
22 we're primarily focusing on the credibility.
23 And this is just a brief Power Point of why I
24 don't think the evidence is credible in this
25 case.

1 First, we have a cross racial
2 identification in the photo arrays. We know
3 from the studies that those aren't as reliable.
4 We have multiple IDs by each witness. Now, we
5 have each witness identifying Dalonte and Edward
6 Bunch. We're on an even plain for basically
7 both of them. It's three and three. It just
8 wasn't known until it played out in court.

9 We also have evidence that it was an
10 unduly suggestive photo array that Dalonte was
11 in to begin with. Even the detective admitted
12 he was the only one in the photo array with
13 dreadlocks. That's not supposed to happen.

14 And then mostly because the police
15 violated 2983.33(B)(4)(d), which is when a
16 witness makes an identification, you record it
17 in writing. Not only did they fail to do that,
18 but they tampered with the evidence, they
19 disclosed it, they withheld it. They even
20 withheld it from Detective Lam. I know that may
21 not make him upset, but it really should make
22 everyone else upset. It's a fundamental thing
23 to do.

24 He also let us know that the only
25 thing against Dalonte White in this case is

1 those photo arrays of the three people. The
2 physical evidence doesn't match up, the height
3 and weight. And I know the State wants to say,
4 well, height and weight, people aren't good with
5 that. It's tall or short, Judge. It's not that
6 hard. Any lay person can figure it out. Here
7 we have someone described as 6 foot, six foot
8 one, 200, 250 pounds. He was tall. He was
9 heavysset. He was pretty tall. Taller than
10 Savannah. Those were the descriptions given.
11 Those descriptions don't fit Dalonte White.
12 They do fit Edward Bunch.

13 There's no evidence from the search
14 warrant. There's no marks on Dalonte's legs.
15 There's no ruffles in his shoes from a dog.
16 There's no physical evidence whatsoever, but
17 there is on Edward Bunch. There was no gun
18 found during the search warrant. There was no
19 cell phone found. None of those things.

20 And the big thing is, what about
21 Edward Bunch? The problem is we don't know
22 because like Detective Lam said, these two
23 detectives interfered with his investigation.
24 He basically closed it off at that point
25 allowing Edward Bunch to kind of fly under the

1 radar. There was no search warrant done there.
2 No checks for him. None of the physical
3 evidence matches up. All it is is the three
4 photo arrays, same photo arrays that identified
5 Edward Bunch.

6 I would submit to you that this isn't
7 just we can have probable cause on two people
8 here. Yes, Edward looks guilty, we'll go with
9 him. You know, it's got to be the credible
10 evidence. The credible evidence the way it came
11 out during the trial supports that Edward Bunch
12 looks bad. He looks guilty on this. All the
13 evidence just swung his way and all the evidence
14 went away from Dalonte.

15 I think it's a far cry to say that
16 Edward Bunch was credible at all, and he came in
17 here and gave a truthful story of some nature.
18 Edward Bunch, his story made no sense. It was
19 piecemeal.

20 When asked, hey, does your friend who
21 he would not identify have a name, the
22 Prosecutor suggested do you have a nickname --
23 or does he have a nickname and then the name
24 became Nick. He clearly doesn't want the police
25 to find out how he got shot that day.

1 There's no 911 calls, there's no
2 reports in that area. It's West Boulevard.
3 Someone's going to call. Someone's going to see
4 something.

5 This stranger who drops him off,
6 they're going to know something. He doesn't
7 know a car, he doesn't know what bikes because
8 he got heli bikes. He was anything but
9 credible. And we know he's in the area because
10 the car that he stole was from West 54th. And
11 where he was arrested in that car that was
12 stolen from West 54th was three blocks away on
13 58th and Otto. He's very much in that area,
14 very much active in that area and goes to the
15 hospital within 40 minutes of this incident with
16 a gunshot wound consistent, in the detective's
17 words, with the injury we saw on the video.

18 Your Honor, because of this we submit
19 that the evidence against Dalonte is not
20 credible and that's why we would ask you to not
21 find probable cause at this time and stop it
22 here. It would be -- to allow the police
23 misconduct to go on and unchallenged and --
24 through this point I think it would be unfair to
25 everyone including the State as I mentioned, who

1 was thrust upon that information at the end. So
2 we would ask that you find no probable cause in
3 this case. Thank you.

4 THE COURT: Rebuttal?

5 MR. SCHROTH: Judge, there is probable
6 cause for Dalonte White and there is no probable
7 cause -- not that the State needs to show at
8 this point, for Edward Bunch. You know, one
9 significant thing -- you know, there was some
10 discussion about marks on legs. Guess who went
11 to the hospital that day? Edward Bunch? Guess
12 who an examination on his ankle? Edward Bunch.
13 Guess whose medical records don't mention
14 anything about any dog bite? Edward Bunch. All
15 it says there is a gunshot wound.

16 Judge, a hospital is going to know any
17 injuries to that area that he's there to be
18 treated for and there is not a single lick of
19 information -- you're going to have these
20 medical records, that says that he was bit by a
21 dog, that there's lacerations, that there's
22 injury to the ankle other than a gunshot. All
23 they have is that gunshot wound because that's
24 all that was there. So Edward Bunch was not bit
25 by a dog. He wasn't in that house.

1 Judge, that dog also -- no witness
2 heard or saw the suspect shoot themselves in the
3 ankle. The dog is not shot -- this is a big
4 dog. Judge, the dog is shot in the back, not in
5 the head. I want you to look at that photo and
6 see how far down the body that is. The person
7 shooting at the dog was not shooting directly
8 down -- putting their leg in jeopardy. They
9 were shooting at the body of the dog. Edward
10 Bunch -- the person who committed this crime --
11 Dalonte White didn't shoot himself, Judge.
12 Edward Bunch was shot, but it's not from this
13 incident. It's not from himself. It defies the
14 medical records. It defies the injuries
15 described by the hospital, unless the hospital
16 is blatantly incompetent and it defies the fact
17 that he couldn't walk. He told you he couldn't
18 walk. His medical records said he couldn't
19 walk. He was in a boot after that. It couldn't
20 be Edward Bunch.

21 Judge, look, I know that the police
22 did the right thing by getting a search warrant
23 for Dalonte White's house. The biggest problem
24 is that they may have gotten it a little bit too
25 late. They got it on 4/28. Dalonte White is

1 tipped off about this investigation the moment
2 the police take photographs of him.

3 MR. HOFFMAN: Objection.

4 MR. SCHROTH: You can draw that
5 inference.

6 THE COURT: Yeah, I can.

7 MR. SCHROTH: I mean, Judge, you can
8 draw inference that, look, Dalonte White gets
9 stopped -- the crime is on 4/21, patrol stop him
10 on 4/24 and they take photographs of him. They
11 take photographs of his ankles, of his feet, of
12 his shoes. You can infer at this point the
13 light bulb goes off in Dalonte's mind, I need to
14 get rid of anything that's related to this
15 crime, anything at all. Because that search
16 warrant happens on -- he has four days. If he
17 wasn't a smart criminal already to get rid of
18 any of the evidence that was used in this crime.
19 That's more than enough time, Judge.

20 And, you know, in regards to the
21 credible evidence against Mr. Bunch -- the lack
22 of credible evidence against Mr. Bunch speaks
23 for itself now with the medical records and the
24 fact that he had the courage to come in here and
25 tell you his story after being Mirandized.

1 And then you have the in-court
2 identifications. These are witnesses who are
3 not going to -- who I don't think are going to
4 just willy nilly make an identification because
5 they feel like they have to. They certainly
6 were forthcoming about making identifications in
7 the photo array. If they saw Dalonte in person
8 and they didn't think it was him, Judge, I think
9 you can take that credibility --

10 MR. HOFFMAN: I'm going to object to
11 this line actually. This is an inference on an
12 inference.

13 MR. SCHROTH: I think it's just an
14 inference, Judge. That they would have not
15 picked him out if it wasn't him in Court.

16 MR. HOFFMAN: I think he's just
17 vouching for credibility.

18 THE COURT: I've already heard all the
19 evidence so I understand.

20 MR. SCHROTH: So, Judge, I think this
21 Court can put some stock in the fact that those
22 witnesses if it wasn't Dalonte White, they
23 wouldn't have picked him out in Court and they
24 did. And they did because he is, in fact, the
25 person who was part of this awful home invasion

1 and we'd ask that you find some credible
2 evidence and that you transfer this matter to
3 the Criminal Division of the Court of Common
4 Pleas. Thank you.

5 THE COURT: Thank you. Let's go off
6 the record.

7 (Short recess taken.)

8 THE COURT: All right. Anything
9 before the Court rules?

10 MR. SCHROTH: Not on behalf of the
11 State. Thank you, Judge.

12 THE COURT: On behalf of Dalonte?

13 MR. HOFFMAN: No, your Honor.

14 THE COURT: All right. After
15 reviewing all of the exhibits and reviewing my
16 notes from the evidence and I have 17 pages of
17 notes, the Court finds that -- I understand that
18 there was an awful crime that was committed to
19 Ms. Allums and Zackary as well as Savannah. But
20 the question is, was it Edward Bunch, was it
21 Dalonte White or was it a whole another set of
22 three people?

23 The witnesses stated that it was
24 Dalonte White in three of the photo arrays and
25 in an in-court identification the same three

1 witnesses identified Edward Bunch in three
2 separate photo arrays.

3 Now, the photo arrays that I reviewed
4 clearly indicated that Edward Bunch's photo
5 arrays, they all had similar hair styles and
6 Zackary circled one and then the other two had
7 said that they identified him. In Dalonte's
8 photo arrays Dalonte was the only one that had
9 the dreads or the twists or whatever they are
10 calling them these days.

11 The police never notified the
12 witnesses that Edward Bunch and Dalonte White
13 were two separate persons. And I don't know
14 whether they were supposed to or not, but it was
15 clear from their testimony that they still
16 believe that photo array three and photo array
17 one contained the same person. And they never
18 had an opportunity to really distinguish was it
19 Edward Bunch or was it Dalonte White because
20 they were never given the opportunity.

21 And to complicate matters, initially
22 the descriptions was six feet approximately
23 200 pounds. The statement by the police report
24 stated that the height and weight was five foot
25 five inches, about 150 pounds, though,

1 unfortunately, that part is not in the recording
2 and we only have the detective's testimony.

3 And I understand that sitting down and
4 looking at somebody with a gun it would be
5 really hard to judge how tall that person is.
6 So it is really clear by the photo arrays that
7 Dalonte White and Edward Bunch have similar
8 features.

9 When I read the hospital reports, the
10 fact that Edward Bunch was not ambulatory was by
11 his own statement. There was nowhere in the
12 nurses or doctor notes that said he could not
13 walk. As a matter of fact, it does not even say
14 how he got to the hospital, did he walk in on
15 his own, did they have to go get a wheelchair,
16 did they have to get a gurney. All they know is
17 he appeared in ER and the hospital report is
18 void of any indication of what he was wearing
19 and how he actually came through the doors.

20 There is no corroborating evidence.
21 Nothing from the search warrant, the DNA or the
22 blood. There are no marks on Dalonte's legs or
23 shoes as well as there was no marks on Edward
24 Bunch's legs as far as whether it was a dog bite
25 or not. Did the dog just have a hold of the

1 pant leg? Did the dog actually bite the
2 intruder? This Court -- we don't know because
3 that evidence isn't before us.

4 So therefore, the Court does not find
5 probable cause that Dalonte White was part of
6 the home invasion. But, Dalonte, two things.
7 That doesn't mean -- this will be set for trial.

8 MR. SCHROTH: Judge, I think if you
9 find no PC, you have to dismiss it.

10 THE COURT: Go off the record for a
11 second.

12 (Short recess taken.)

13 THE COURT: The Court has had some
14 discussion as to whether the matter should be
15 dismissed outright because the Court did not
16 find probable cause. There seems to be
17 conflicting opinions. The 8th District has said
18 that it is the State's case and if they wish to
19 dismiss it, they may. This Court does not feel
20 comfortable dismissing the charges outright. So
21 we are setting this matter for trial.

22 The burden, Dalonte, is beyond a
23 reasonable doubt. Meaning, that it's a higher
24 burden. Okay. And the Court can't dismiss it.
25 The Prosecution may after they go back, dismiss

1 the case and then they can re-file it. So know
2 that. They can always re-file. So we have a
3 pretrial set for August 21st at 9:30.

4 Dalonte, you're going to stay with us
5 because you have pending cases. I want you to
6 understand that. You know what the cases are,
7 correct? You also have a violation of court
8 order, do you not?

9 MR. WHITE: Yes.

10 THE COURT: Okay. We can go off the
11 record if there's nothing further.

12 MR. HOFFMAN: Your Honor, Dalonte did
13 just want me to make a formal request for home
14 detention. He has been in the Detention Center
15 for about 90 days now on the two assault charges
16 that happened in the Detention Center and the
17 violation of Court order, but I think that may
18 have been because of the charges in this case.
19 So we would ask for a consideration. He did
20 have a good Detention Center report.

21 THE COURT: Which one? You mean the
22 one before or after he got his jaw broken?

23 MR. HOFFMAN: Since that point in
24 time, your Honor.

25 THE COURT: You mean since someone

1 broke your jaw you've been behaving yourself?

2 MR. WHITE: Before I was.

3 THE COURT: Well, you have an assault
4 charge from the Detention Center. You know
5 that. It's pending. And I believe you're also
6 the victim. But what I will do, Dalonte, is I'm
7 going to talk to your probation officer and I'm
8 going to have her give me a report as to how
9 well you did in the community. Because I
10 ordered very specific things for you to do while
11 you were out, did I not?

12 MR. WHITE: Yes.

13 THE COURT: And have you completed
14 them?

15 MR. WHITE: I did community service.

16 THE COURT: Okay. All right. So next
17 week on Monday we will contact Keri Bryant,
18 who's your officer and if she believes that you
19 would be fine being at home on an ankle monitor,
20 I will consider it. All right. Is that fair?

21 MR. WHITE: Yes.

22 THE COURT: All right. I know you
23 want to get out of here, but you need to
24 understand that you need to find a better set of
25 friends to hang out with or you are always going

1 to be back here. Do you understand that?

2 MR. WHITE: Yes.

3 THE COURT: All right. So I'll let
4 you know next week.

5 (Hearing concluded at 5:34 p.m.)

6 - - -

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

I, Dawn M. Peck, a stenographic reporter, do hereby certify that I attended the foregoing proceedings in their entirety; that I wrote the same in Stenotype, which was subsequently transcribed into typewriting by means of computer-aided transcription under my direction; and that the foregoing Transcript of Proceedings is a true and correct transcript of my Stenotype notes.

Signed this 13th day of October, 2015.

Dawn M. Peck
Mizanin Reporting Service, Inc.
5755 Granger Road
335 Independence Tower
Independence, OH 44131